

STANDARDS COMMITTEE

ANNUAL REPORT 2024/25

FOREWORD

Councillor Alistair Willoughby, Chair the Standards Committee 2024 – 25



I am proud to have served as the Chair of the committee this year. We must all remember that, as elected members, none of us are 'above the law' and that it is incredibly important that we are held to the highest of standards and principles when representing our communities. Public trust is what legitimises our work to represent the interests of our residents, therefore, it is important that we are held to account and helped to do better when we fall short.

I am pleased that Councillor Standards have been given a national focus with the proposed changes to the regime under the English Devolution White Paper.

It is paramount for public confidence that the balance of a fair and impartial system is upheld. We trust that any national and legislative changes will try to and achieve that balance between those principles, whilst having safeguards against politically motivated or frivolous complaints.

I am delighted to present this Annual Report which provides a summary of activities in 2024/25 of the Standards work and reports on the significant progress and dedicated work undertaken by the Committee in this past year.

We have successfully reviewed and endorsed the Code of Corporate Governance for Statutory Officers, a crucial step in ensuring the highest standards of conduct and accountability within our organisation.

Furthermore, the Committee has played a vital role in the ongoing constitutional and governance review, providing considered recommendations aimed at strengthening our democratic processes and overall effectiveness. I am particularly pleased with the constructive and insightful contributions of all members in this important area, which was accepted by the Governance Group and later Full Council.

The expansion of the Committee's remit reflects the Council's commitment to embedding a strong ethical framework across all its activities. We have embraced this enhanced responsibility with diligence and a clear focus on promoting best practice.

The thorough consideration given to the Whistleblowing Policy and Procedures underscores our commitment to fostering a culture of transparency and providing a safe and confidential avenue for raising concerns. The recommendations made by the Committee will undoubtedly contribute to a more robust and trustworthy environment.

I would like to express my sincere gratitude to all members of the Standards Committee for their commitment, expertise, and diligent efforts throughout the year. Their thoughtful contributions and unwavering dedication are invaluable in upholding the highest standards of governance for our Council and the communities we serve.

I would also like to thank our Independent Persons Nicholas Moss OBE and the Reserve Independent Persons Patrick Hodson and Wai Bing Hui, the Parish Councillor co-optees, Rebecca Elliott and Martin Griffin, for their assistance to the Council during this period. I would also like to thank the Deputy Monitoring Officer, Isabelle Alajooz, for her work during this time.

My last note of thanks goes to our Monitoring Officer, Jeanette Thompson who has worked diligently to uphold the very best of standards and governance at North Herts for years. I know that every councillor across the chamber will join me in wishing her the very best in her retirement. Our next Monitoring Officer will have big shoes to fill.

1. INTRODUCTION

1.1 This report covers the civic year 2024/25. During that year, the Committee met twice, on 23 October 2024 and 5 March 2025. During the meetings, the Committee considered local and national standards issues, complaints, training in the Standards Matters reports, as well as specific reports on the CIPFA, SOLACE, and LLG Code for Statutory Officers, and Whistleblowing Policy.

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.
- 2.2. Following the constitutional and governance review in 2024/25, the Committee's terms were amended to include responsibility for ethical codes, protocols and procedures (new or existing where they are non-executive in nature), and to consider the annual Constitutional review and make recommendations to Council.
- 2.3. Similarly to previous years, specific complaints are largely dealt with by the Monitoring Officer and Deputy in conjunction with the Independent Person (IP) and Reserve Independent Persons (ResIPs), unless the Complaints Handling Procedure required these to be determined externally. If a complaint had progressed 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 2024/25, the membership was:

Councillor Alistair Willoughby (Chair)

Councillor Ian Albert (Vice-Chair)

Councillor Ruth Brown

Councillor Val Bryant

Councillor Elizabeth Dennis

Councillor Dominic Griffiths

Councillor Keith Hoskins MBE

Councillor Michael Muir

Councillor Vijaiya Poopalasingham

Councillor Sean Prendergast

Councillor Emma Rowe

Councillor Tom Tyson

The Committee also has a number of reserves to call upon during the year in the event of necessity, and provides a wide range of views:

Councillor David Barnard (Reserve)

Councillor Clare Billing (Reserve)

Councillor Sam Collins (Reserve)

Councillor Emma Fernandes (Reserve)

Councillor Caroline McDonnell (Reserve)

Councillor Ralph Muncer (Reserve)

Councillor Paul Ward (Reserve)

Councillor Donna Wright (Reserve)

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
Patrick Hodson ResIP
Wai Bing Hui ResIP

4. MONITORING OFFICER/SUPPORT TO THE COMMITTEE

- 4.1 Jeanette Thompson was the Council's Monitoring Officer and Director (Legal & Community changing title to Governance in April). 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 was one Deputy Isabelle Alajooz (and an acting one from December 2024, Douglas Traill-Stevenson). The Director's PA, provided ongoing administrative support for complaints and other Monitoring Officer matters, supplemented by 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. THE COMMITTEE'S WORK/ CODE OF CONDUCT/ COMPLAINT HANDLING/ COMPLAINTS

The Committee:

- 5.1. Changes to the Standards regime were introduced in July 2012 following the Localism Act 2011 (the '2011 Act'). 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.
- 5.2. This matter was considered afresh, by the Committee and Council, as part of the 24/25 Constitutional review. This was *prior to central government's announcement on a re-examination of the National ethical standards regime*, and the Committee recommended its retention, for various sound and persuasive reasons. This, the Committee undertook on 23 October 2024, and the next day a consultation on proposed ethical standards changes was announced by the Deputy Prime minister. The proposed changes are covered in the report below under Other Areas of Work and Year Ahead; however, the key themes are around

strengthening the local government ethical framework – including the role of a local authority's Standards Committee.

The Code of Conduct:

- 5.3. As part of the current requirements under the 2011 Act, an authority is required adopted a Councillor Code of Conduct. There is no mandated form, and this Council has had various iterations since the 2011 Act came into force.
- 5.4. Most recently in 2021, this Council adopted the Local Government Association ('LGA') model (with minor local adjustments). Whilst the LGA had potentially been tasked with producing and reviewing this (by the Committee on Standards in Public Life), due to the proposed national changes and consultation, no further version have yet been produced. The Council's adopted Code can be found in section 17 of the Constitution [click here]. This version has been adopted by most local Councils within the North Herts district, providing a degree of consistency across our area.

Complaints Handling:

- 5.5. 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).
- 5.6. The Procedure was reviewed in March 2024 by the Standards Committee [click here] and following their consideration/ representations it was considered/ reviewed by the Chair, Vice Chair, IP, and ResIPs, Monitoring Officer and Deputy, taking into account The Local Government & Social Care Ombudsman Code published in February 2024 (applicable from April 2024), the LGOs website guidance on complaint handling, and Local Government Association's Guidance on Member Model Code of Conduct Complaints Handling. An updated version was approved on 25 June [click here Delegated Decision] and can be found on the relevant Councillor Complaints page: https://www.north-herts.gov.uk/complain-about-councillor.
- 5.7. The Committee considered this once again on 23 October 2024. There had been a discussion around complaints being considered later than the general 3 month complaint cut off and whether this was reasonable and proportionate; and whether a secondary jurisdiction time limit based on constructive knowledge was reasonable and proportionate. A request was made for this to be considered by the Monitoring Officer and the conclusions / recommendations reported back to the Committee in March 2025. However, as an announcement was then made the next day that there would be a consultation on changes to the standards regime, followed by the publishing of the English Devolution White Paper on 16 December¹ and consultation on changing the regime commencing on 18 December, this was not progressed. This issue was however, reported back to the Committee in March that this should be shelved pending the new regime. This was because any new regime is likely to have prescribed arrangements and complaints handling procedures would have to correspond to any guidance provided centrally.

Complaints:

5.8. In terms of complaints received, these are recorded by calendar, as opposed to civic year. During 2024 the Council dealt with 19 complaints (as compared with 11 in 2023), and to date 7 (with one other on an elections matter that was submitted and dealt with by the Returning Officer). Summaries of these complaints up to March, can be found in the Standards Matters reports to the Committee from November and March [Click: Agenda report pack 23 October 2024 & 5 March 2025]. At the point of preparing this Annual report, three are ongoing. Whilst the numbers appear to be lower, so far this year, that does not necessarily reflect the time

¹ english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper

associated with the complaints, and whilst most are dealt with in-house, three were referred out for external consideration/ decision during 2024-to date.

5.9. In terms of trends in these complaints, the majority related to Members alleged conflicts of interest/ failures to declare interests. Whilst the majority were not upheld (for various reasons) they demonstrate the public's concerns over these sorts of issues and Members are advised that it is 'better to declare' and consider appropriate action / seek advice, than face complaints.

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 Patrick Hodson and Wai Bing Hui were appointed for the year in question. One other was appointed during the period in question, but resigned after a few months. The first two were appointed by Full Council on 19 September 2024, and the last on 15 January 2025, 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 18 September 2028 and 14 January 2029, albeit in the light of Local Government Reorganisation, the renewal process will have to be undertaken in the light of that.
- 6.2. Their role has been and continues to be, to provide independent input into the standards process, as required by the 2011 Act. An IP is consulted on complaints received and prior to a decision being reached.
- 6.3. Mr Moss OBE, as the primary IP, has provided the following comments, regarding the past Standards year:

I have been heartened by the Council's decision to maintain its Standards Committee as a single entity, rather than to merge it with another committee. When the option was being considered I said that I felt such a change could give the undesirable impression to the district's residents of diluting the importance of standards. That it has not done so puts it in step with likely legislation to make standards committees mandatory. [9.4 below refers]. More immediately - and importantly - the committee's re-confirmed existence reinforces to residents a commitment to the highest standards of conduct.

The Council's renewed endorsement of the Committee and Cllr Willoughby's unambiguous introduction to this report prompt me to return to an issue that I touched on last year. I commented then on instances of members complaining about other members' conduct at meetings. I suggested that they might have been driven almost entirely by political considerations and, implicitly, questioned their appropriateness. There have been further similar complaints in this reporting year. Again, none has warranted referral to the Standards Committee for determination as a potential breach of the code of conduct.

I appreciate that, at times, members can feel their patience is being tested during robust Council and committee discussion on contentious issues. I am not convinced, though, that, where such tensions arise, they are best resolved by alleging code breaches - generally on the slenderest of grounds.

That is my view as IP and it reflects also my standpoint as an elector in the district. In that capacity, I doubt that many voters see such complaints as beneficial to the advancement of their interests as residents. I should add that the required careful and fair initial assessment of complaints under the Council's procedures take significant officer time and, on occasion, additional cost: resources and cash that would otherwise be spent on the Council's services for those whom they represent.

Another issue that has occupied substantial time in this period relates to declarations of interest. In that context, I recognise that the role of councillor is not intended to be full-time*; that the modest allowances payable to members are not regarded as a substitute for a salary;

and that the sums reflect a voluntary element to their council work. [*I'm sure that for some members it might seem as if it is!]

Thus, it is completely appropriate for members to have jobs in addition to their Council positions. The statutory requirement to declare non-council activities recognises that reality. Nevertheless, I think it is important to recognise that the act of declaration should not be taken as legitimising activities that can reasonably give the impression to residents that they conflict with their council membership. Decisions on the appropriateness of undertaking outside positions can be matters of fine judgement and officers are happy to advise.

I have attended three national meetings about the proposed changes to the standards/conduct arrangements: with a Minister; at the Committee on Standards in Public Life; and with MHCLG officials. I responded also to the consultation earlier this year, as well as offering further suggestions to the Minister directly, which I have shared with the Monitoring Officer. The approach emerging from this engagement bolsters what I see as North Herts Council's resolve to do all it can to give confidence that members' activities are solely in the interests of its citizens.

Finally, I offer my thanks and appreciation to two imminently retiring officers of the Council. In their respective roles they have been loyal and highly professional servants of your authority. During her long tenure as Monitoring Officer, Jeanette Thompson has sought my views on countless complaints. She has considered them with care, attention and complete professionalism, ensuring that complainants and subject members - and I - have been treated totally fairly. My thanks, too, to Penny Copestake for her great efficiency and courtesy - and seemingly inexhaustible patience in responding to my countless inquiries. I shall miss them and wish them both all possible good fortune.

Nicholas Moss Independent Person North Herts Council

May 19th 2025

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 2024/25 referred to in the reports. This covers advice, where relevant, on standards and complaint matters. Other support such as training, is covered below.

8. TRAINING AND DEVELOPMENT

- 8.1. During 2024, post-election Code of Conduct training was provided via a new pre-recorded platform, prepared by the Monitoring Officer and Deputy. This was then (and remains) available on the Council's Growzone resource for District Councillors. All District Councillors undertook the training before the October 2024 meeting.
- 8.2. 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. There is no way of checking the uptake figures for this.
- 8.3. As indicated above, the training remains valid for the current Code. Training will need to be reviewed once a decision has been taken by government regard any new legislation / or mandatory code requirements.

8.4. Some of the Independent Persons attended an annual event for Independent Persons and all attended training provided by the Joint National Council on their role in any disciplinary proceedings relating to Statutory Officers.

9. OTHER AREAS OF WORK

Constitutional and Governance Review

- 9.1. Post all-out elections in May, the Monitoring Officer undertook a Constitutional and Governance Review, with the Group Leaders and other key officers in a Working Group. Various areas were considered at the time and as mentioned, this involved consideration of whether there should be a Standards Committee, remit of the Finance, Audit and Risk Committee, Planning Control Committee functionality, as well as the more general aspects of speaking times, motions and timings of Committee meetings. 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."
- 9.2. This recommendation was accepted by the Working Group and became one of its recommendations to Full Council. At its meeting on 23 January 2025, the decision was to strengthen the Committees terms of reference, and for the Committee to take on the Annual role (with the Monitoring Officer) of considering and recommending changes to the Constitution, to Full Council (the earliest being at its meeting in October or subsequently in March 2026).

Member and officer indemnity

9.3. During 2024 the Deputy Monitoring Officer led on the review of the Member and Officer Indemnity Policy, with this being presented to Full Council on 19 September 2024². This was to ensure that it met current best practice. Its is worth pointing out that there are restrictions on cover, so that there is no indemnity in relation to any action or failure to act, which would constitute a breach of the Councillor's Code of Conduct³.

English Devolution White paper⁴

- 9.4. As mentioned, in December 2024, the government published the White Paper, which among the main stem of Local Government Reorganisation and Devolution, also sets out proposals to cover changes to the Standards regime, including:
 - 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.
 - 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.

herts.gov.uk/documents/s26108/App%201%20INDEMNITIES%20FOR%20MEMBERS%20AND%20OFFICERS%20showing%20tracked %20changes.pdf.pdf

² https://democracy.north-herts.gov.uk/documents/s26107/Member%20and%20Officer%20Indemnity.pdf

³ https://democracy.north-

⁴ https://www.gov.uk/government/publications/english-devolution-white-paper-power-and-partnership-foundations-for-growth/english-devolution-white-paper

- 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.
- 9.5. The consultation on the proposals closed on 26 February 2025. The Monitoring Officer and the IP 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 February⁵. The consultation feedback is currently being analysed.
- 9.6. During a Westminster Hall Debate in March 2025, the Minister of State for Local Government and English Devolution, Jim McMahon, stated that there were more than 2,000 submissions to the Government's recent consultation:

"While the standards proposals that the Government have been consulting on are for whole system reform, at their foundation is the proposal for a mandatory code of conduct. We believe that a mandatory code is vital to achieving consistency across all the various types and tiers of local government..... This is about having a proportionate system that can hold up to scrutiny and be tested, but it has to be mandatory. It must have sanctions that matter, including the power of suspension, the power to withhold allowances, if that is correct, and the power for premises bans, if there is a safeguarding risk at play..."

Conflicts of Interest for employees and agency staff

9.7. This Policy was reviewed following discussions with Leadership and liaison with the Staff Consultation Group. The Policy was simplified, at the same time as introducing mandatory procedures for all new employees and agency staff/ with an annual review of any potential conflicts. This was approved in December 2024 and came into effect in January 2025.

Solace/ CIPFA/ LLG Code of Practice on Good Governance for Local Authority Statutory Officers

9.8. During 2023/ 24 the Council's Statutory Officers (Chief Executive, Chief Finance Officer and the Monitoring Officer) attended and participated in consultation with the above bodies on a proposed new Code. The Code of Practice on Good Governance for Local Authority Statutory Officers, was developed collaboratively by Solace, CIPFA, and LLG, in the wake of several national local government scandals. The Code provides a framework for the three most senior statutory officers to work effectively within the "Golden Triangle" to advise, implement, and achieve good outcomes for local authorities. It was presented and endorsed by the Committee

⁵ CSPL - local government standards roundtable

in October 2024⁶ which highlighted the seven key standards to enhance corporate governance and decision-making. The Seven Standards of the Code of Practice:

1. Understand Governance:

This standard focuses on the roles and responsibilities of each statutory officer within the Golden Triangle.

2. Act Wisely:

It emphasizes a duty of inquiry and the exercise of statutory functions.

3. Lead Ethically:

This standard underscores the importance of adhering to the Seven Principles of Public Life.

4. Act Effectively:

It highlights the need for robust working arrangements within the Golden Triangle.

5. Resource the Roles:

This standard emphasises providing the necessary tools and resources for statutory officers to effectively perform their duties.

6. Build Resilience:

It focuses on appointing deputies and supporting the ongoing development of statutory officers.

7. Deliver Sound Decision Making:

This standard emphasises the importance of effective decision-making processes and outcomes.

These standards are designed to ensure that local authorities are well-governed, with statutory officers working together to effectively serve the public and deliver on their mandates.

Whistleblowing Policy Review 2025:

9.9. Following the changes to the Committee's terms of reference, the Monitoring Officer undertook a review of the Council's Whistleblowing Policy, and presented this to the Committee in March 2025⁷. The Committee wished to promote knowledge and confidence in the arrangements (as well as anonymous Whistleblowing). Following the update of the Policy, a new Whistleblowing reporting form has been created/ made available on the Council's hub. Articles have been published in in the staff magazine and in the Member's Information Service regarding the Policy and arrangements.

Liaison meetings:

- 9.10. 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 and Eastern region of Lawyers in Legal Government.
- 9.4 The Monitoring Officer has published several briefing/advice notes in the Members Information Service in 2024/25 including on the issues of Pre-Election Restricted Periods.

10. Lessons Learned

10.1 The learning from dealing with the complaints made since 2024/25, is the need for increased awareness for Members relating to their interests, and the public perception issues around this.

herts.gov.uk/documents/s26506/CODE%20FOR%20STATUTORY%20OFFICERS%20HEAD%20OF%20PAID%20SERVICE%20SECTION%20151%20AND%20MONITORING%20OFFICERS.pdf

⁶ https://democracy.north-

⁷ https://democracy.north-herts.gov.uk/documents/s27579/ANNUAL%20WHISTLEBLOWING%20POLICY%20REVIEW.pdf

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 The English Devolution White Paper, is expected to be implemented through the English Devolution Bill, which is anticipated to begin its passage through Parliament in the middle of 2025. Therefore in all likelihood no finalised changes will be enacted during the year ahead, there is likely, at the very least, to be a new mandatory Code and sanctions for Councillors in the foreseeable future.

12. Recommendation

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