

STANDARDS SUB-COMMITTEE
4 March 2026

PART 1

TITLE OF REPORT: Hearing of the Standards Sub-Committee in Consideration of a Standards Complaint

REPORT OF: INTERIM LEGAL MANAGER AND DEPUTY MONITORING OFFICER

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

1. EXECUTIVE SUMMARY

- 1.1 This report refers a complaint under the Councillors' Code of Conduct to the Standards Sub-Committee for determination following the failure of informal resolution under the Council's Complaints Handling Procedure. The complaint was assessed by an external Deputy Monitoring Officer in consultation with the Independent Person pursuant to section 28 of the Localism Act 2011, and informal resolution was proposed but not achieved.
- 1.2 The Sub-Committee is therefore required to consider the complaint afresh, determine whether Councillor Chris Lucas failed to comply with the Code of Conduct, and, if so, determine what action (if any) is appropriate and proportionate in accordance with the Council's adopted arrangements.

2. RECOMMENDATIONS

The Standards Sub-Committee is recommended to:

1. Consider the complaint referred under the Councillors' Code of Conduct in accordance with the Council's Complaints Handling Procedure.
2. Determine whether Councillor Chris Lucas failed to comply with the North Hertfordshire District Council Code of Conduct in relation to the conduct which forms the subject of the complaint.
3. If a breach of the Code of Conduct is found, determine what action, (as set out at paragraph 7.9 of the report), if any, is appropriate and proportionate in accordance with paragraph 9 of the Complaints Handling Procedure.
4. Authorise the Monitoring Officer to publish the Sub-Committee's decision and reasons in accordance with paragraph 9.4 of the Complaints Handling Procedure.

3. REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations are made in order to enable the Standards Sub-Committee to discharge its functions under Section 7 of the Constitution and the Council's adopted Complaints Handling Procedure. Where informal resolution has not been achieved, the adopted arrangements allow for referral to the Standards Sub-Committee. The Sub-Committee must determine whether there has been a failure to comply with the Code of Conduct and, if so, determine what action (if any) is appropriate and proportionate in

accordance with section 9 of the Complaints Handling Procedure.

4. ALTERNATIVE OPTIONS CONSIDERED

4.1 None.

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

5.1 The complaint was assessed by an external Deputy Monitoring Officer in consultation with the Independent Person appointed pursuant to section 28 of the Localism Act 2011, in accordance with the Council's Complaints Handling Procedure. At the assessment stage, the Subject Member was invited to enable the complaint to be resolved informally by an apology. This proposed approach was unsuccessful. No further external consultation is required at this stage. The Independent Person will be consulted again by the sub-committee at the determination stage in accordance with paragraph 8.19 of the Complaints Handling Procedure.

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"**.

7.2 A complaint was received from a Councillor concerning the conduct of Councillor Chris Lucas during the Full Council meeting that took place on the 2 October 2025.

7.3 The complaint relates to comments made by Councillor Lucas during a supplementary question regarding the Safety Advisory Group and an event held on Council land.

7.4 The conduct complained of occurred whilst Councillor Lucas was acting in his official capacity.

7A. Pre-Meeting Advice and Events at Full Council

7A.1 Prior to the meeting, Councillor Lucas submitted a proposed question referring to an *internal* email circulated to Members regarding the Safety Advisory Group.

7A.2 The Democratic Services Manager advised that the question in its original form could not be accepted under paragraph 4.8.11(e)(vi) of the Constitution as it required disclosure of confidential or exempt information.

7A.3 Councillor Lucas was advised in two separate emails that he could ask a general question regarding liability but must not refer to any specific event or to confidential information.

7A.4 At the meeting, during a supplementary question, Councillor Lucas referred to and quoted from the content of the internal officer email.

7A.5 The Chair intervened following advice from the Monitoring Officer that the supplementary question relied upon confidential information and could not lawfully be answered in public session.

7A.6 During this exchange, Councillor Lucas interrupted and challenged the Monitoring Officer during the provision of statutory advice.

7A.7 The meeting was live-streamed and the exchange is publicly available.

7.5 Assessment Stage

7.5.1 The complaint was referred to an external Deputy Monitoring Officer in consultation with the Independent Person in accordance with section 28 of the Localism Act 2011 and the Council's Complaints Handling Procedure.

7.5.2 The assessment decision, dated 28 January 2026 (Appendix 4 – part 2), concluded that the complaint should be dealt with by informal resolution (CHP 5.3.2).

7.5.3 The Deputy Monitoring Officer considered that an apology from Councillor Lucas to the Chief Executive, the Monitoring Officer and the Democratic Services Manager would be an appropriate resolution, on the basis that his words unfairly cast aspersions on the integrity of these officers.

7.5.4 Councillor Lucas was invited to provide an apology by 10 February 2026.

7.5.5 The proposed informal resolution has not been achieved.

7.5.6 In accordance with section 8.3 of the Council's Complaints Handling Procedure, where a Councillor fails to abide by the terms of informal resolution, the Monitoring Officer is likely to refer the matter to the Standards Sub-Committee for determination.

7.6 Relevant Constitutional Provisions

7.6.1 The following provisions of the Code of Conduct (Section 17 of the Constitution) are engaged:

- Obligation to treat others with respect.
- Prohibition on bullying or intimidation.
- Requirement not to conduct oneself in a manner which could reasonably be regarded as bringing the office of Councillor into disrepute.

7.6.2 Section 18 of the Constitution (Protocol for Member–Officer Working Arrangements) provides that:

- Members and officers must treat each other with mutual respect.
- Officers must be able to provide professional advice without fear of public denigration.
- Members must not make public allegations against officers which undermine professional integrity.

7.6.3 The Sub-Committee's authority to determine this complaint arises under Section 7 of the Constitution and CHP 8.4 to 8.21.

7.7 Role of the Standards Sub-Committee

7.7.1 In accordance with Appendix 4 of the Complaints Handling Procedure (Final Determination Hearing Procedure), the Sub-Committee must determine:

- (a) Whether Councillor Lucas failed to comply with the Code of Conduct; and
- (b) If so, what action (if any) should be taken.

7.7.2 Before reaching its determination, the Sub-Committee must seek and consider the views of the Independent Person (CHP 8.19).

7.8. Hearing Arrangements

7.8.1 In accordance with CHP 8.5, there is a presumption that the hearing will be held in public.

7.8.2 The Sub-Committee may resolve to exclude the press and public only where justified under Schedule 12A of the Local Government Act 1972.

7.8.3 The Sub-Committee's decision must be made in public and a decision notice will be published (CHP 9.4).

7.8.4 The Sub-Committee is invited to resolve to exclude the press and public during consideration of Appendix 4 pursuant to Schedule 12A paragraph 1 of the Local Government Act 1972 (information relating to an individual).

7.9 Possible Outcomes

7.9.1 If the Sub-Committee determines that there has been a breach of the Code of Conduct, it may take one or more of the actions set out in CHP 9.1, including:

- i. Publish its findings in respect of the Councillor's conduct (e.g. in a local newspaper, in print or on-line or both). Any decision will be published on the Council's website in any event;
- ii. Report its findings to Council for information;
- iii. Report its findings and recommend to Council that the Councillor be issued with a formal censure or be reprimanded;
- iv. Recommend to the Councillor's Group Leader or Deputy that the Councillor be removed from any or all Committees or Sub-Committees of the Council;
- v. Instruct the Monitoring Officer to arrange training for the Councillor;
- vi. Recommend to Council that the Councillor be removed from all outside appointments to which they have been appointed or nominated by the authority;
- vii. Recommend to Council that it withdraws facilities provided to the Councillor by the Council, such as a computer, website and/or email;
- viii. Recommend to Council that the Councillor be excluded from the Council's Offices or other premises, except for meeting rooms (real or virtual) as necessary for attending Council, Committee and Sub-Committee meetings;
or
- ix. Take no further action.

8. RELEVANT CONSIDERATIONS

8.1 In determining this complaint, the Sub-Committee must have regard to:

- The Council's adopted Code of Conduct (Section 17 of the Constitution);
- The Protocol for Member–Officer Working Arrangements (Section 18 of the Constitution);
- The Council's Complaints Handling Procedure;
- The requirement under section 28 of the Localism Act 2011 to consult and have regard to the views of the Independent Person;
- The need to ensure proportionality and fairness in decision-making; and
- The limits of sanction available to the authority under the current legislative framework.

8.2 The Sub-Committee must determine the matter on the balance of probabilities.

9. LEGAL IMPLICATIONS

9.1 The Council is required under section 28 of the Localism Act 2011 to have in place arrangements for dealing with complaints that a Member has failed to comply with the Code of Conduct.

9.2 The Standards Sub-Committee is established under Section 7 of the Constitution to discharge those functions. The hearing must be conducted in accordance with the Council's adopted Complaints Handling Procedure and the principles of natural justice. The Sub-Committee has no power to suspend or disqualify a Member. Any decision must be reasonable, proportionate, and supported by reasons.

10. FINANCIAL IMPLICATIONS

10.1 There are no direct financial implications arising from the determination of this report. However, the complaint has required officer time and resources, including the engagement of an external Deputy Monitoring Officer and consultation with the Independent Person in accordance with the adopted arrangements.

10.2 There were costs to the public purse for having to instruct an external Deputy Monitoring Officer.

10.3 Any further financial impact would be limited to officer time associated with the hearing and publication of the decision.

11. RISK IMPLICATIONS

11.1 Failure to deal with complaints under the Code of Conduct in accordance with the Council's adopted arrangements may expose the authority to governance, reputational, and procedural risk. It is important that complaints are determined transparently, lawfully, and proportionately. The Sub-Committee's determination will contribute to maintaining public confidence in standards of conduct and the integrity of the Council's decision-making processes.

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 There are no direct social value implications arising from the determination of this complaint. However, maintaining high standards of conduct contributes to effective governance and public trust in local democratic processes.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1 There are no implications to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 There are no direct employment implications arising from this report. The complaint concerns the conduct of an elected Member. However, the matter engages the Council's Member–Officer Working Protocol and the professional integrity of officers. The determination of the Sub-Committee may have indirect implications for governance culture and professional working relationships within the authority.

16. APPENDICES

- 16.1 Part 1 (Public):
Appendix 1: North Herts District Council Code of Conduct for Councillors (Section 17)
Appendix 2: Complaints Handling Procedure for matters relating to the Councillors' Code of Conduct
Appendix 3: Member–Officer Protocol (Section 18)
- Part 2 (Exempt):
Appendix 4: Assessment Decision Letter dated 28 January 2026 (Exempt - Schedule 12A paragraph 1, information relating to an individual).

17. CONTACT OFFICERS

- 17.1 Natasha Jindal: Legal Manager & Deputy Monitoring Officer:
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18. BACKGROUND PAPERS

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