

**STANDARDS COMMITTEE  
22 OCTOBER 2019**

**PART 1 – PUBLIC DOCUMENT**

**TITLE OF REPORT: STANDARDS MATTERS**

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

COUNCIL PRIORITY: RESPONSIVE AND EFFICIENT

**1. EXECUTIVE SUMMARY**

1.1 The report updates Members of the Committee on standards issues generally.

**2. RECOMMENDATIONS**

2.1. That the Committee notes the content of the report.

**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 are kept informed of Monitoring Officer and standards matters on a monthly basis. The Monitoring Officer also holds quarterly meetings with the Independent Person, Reserve Independent Person ('IPs') and the Chair of Committee.

**6. FORWARD PLAN**

6.1 This report does not contain a recommendation on an Executive key decision and has 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 to govern, Member conduct.

## 8. RELEVANT CONSIDERATIONS

### ***Committee on Standards in Public Life (CSPL)*** **Local Government Ethical Standards**

- 8.1. Members will be aware that the CSPL published a report with 26 recommendations on ethical standards in local government on 30 January 2019, as reported to the February 2019 Committee<sup>1</sup>.
- 8.2. Ordinarily the government would have responded to this report (within 3 months). No response has materialised. In the meantime the CSPL has:
  - established an Association of Democratic Services Officers/ Lawyers in Local Government 'LLG'/ Society of Local Council Clerk task force, to help take forward the report's recommendations. The LLG also said it was working with the Ministry of Housing, Communities and Local Government on the proposed Code of Conduct and was also scoping a guidance document looking at best practice in the professional relationship between statutory officers (in governance terms known as the 'Golden Triangle').
  - reported at their meeting in July 2019 that they would write to the relevant Minister asking for a formal response to the review<sup>2</sup>. No further update is available on the CSPL page at the point of writing this report.

### **Intimidation in Public Life**

- 8.3. The CSPL is continuing to monitor the developments and have been meeting with the Fawcett Society to discuss harassment of women in politics, and with the Jo Cox Foundation on a joint 'standard' around conduct and behaviour – which is consistent with their report and the need to recognise and address intimidation, harassment and abusive behaviour.

### **Open letter from the Committee on Standards in Public Life to all public office holders**

- 8.4. Following various heated exchanges in Parliament and allegations regarding behaviour, an open letter was published on 20 September by the Chair of the CSPL<sup>3</sup>, on the importance of maintaining high standards and adhering to the long established Nolan Principles that set the tone of leadership across public service.

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<sup>1</sup> <https://democracy.north-herts.gov.uk/ieListDocuments.aspx?Cid=154&Mid=2023&Ver=4>

<sup>2</sup> [CLICK HERE for Minutes of CSPL meeting 18.7.19](#)

<sup>3</sup> [Letter from Jonathan Evans Chair CSPL 20.9.19](#)

- 8.5. For further information of the CSPL work, see its Annual report (18-19) published on 29 July 2019<sup>4</sup>.

**NHDC**

**North Hertfordshire complaints/ issues update**

- 8.6. The following formal complaints<sup>5</sup> were considered since the last Committee meeting in February 2019 and in line with recommended practice these have summary of Parish/ District Councillor and complaint outcome:-

Complaint about: Parish/ Town or District Councillor	Summary of complaint	Action
2/2019 complaint regarding Royston Town Council	Seeking intervention following issues with the Council over arrangements.	No action as there is no remit to examine or intervene with actions of the council as a body.
3/2019 complaint against Pirton Parish Councillor	Alleged bullying and intimidatory behaviour.	No case to answer.
5/2019 complaint against District Councillor.	Alleged breach of - comments on Facebook group	Complainant withdrew their complaint.
6/2019 complaint against District Councillor.	Alleged conflict of interest and breach of Code regarding a planning application	Case to answer regarding Planning Code of Good Conduct and training to be provided.
7/2019 complaint against District Councillor.	Alleged behaviour outside of role as a Councillor.	No case the answer as no evidential basis to any of the allegations.
10/2019 complaint against District Councillor.	Attendance at the planning control committee to represent residents, was biased.	No case to answer.
11/2019 complaint against District Councillor and Pirton Parish Councillor.	Alleged behaviour at planning control committee.	No case to answer.
13/2019 complaint against Great Ashby Community Councillor	Alleged insensitive and offensive during a council meeting.	No case to answer.
14/2019 complaint against Great Ashby Community Councillor	Alleged not behaving in a "neighbourly" way.	Ongoing.
15/2019 complaint against District Councillor	Alleged inappropriate, malicious and vexatious complaint had been made and the Councillor was biased.	Ongoing.
16/2019 complaint against Great Ashby Community Councillor	Alleged offensive language used (similar to 13/2019).	Ongoing.

<sup>4</sup> [CLICK HERE for link to CSPL 2018-19 report](#)

<sup>5</sup> Informal complaints raised with the MO not included in list as requested by Committee in February 2019.

### **Councillor Complaints Handling Procedure reviewed and updated 2019**

- 8.8 Following the last Committee meeting the Complaints Handling Procedure was reviewed by the Monitoring Officer, the then Chair and IPs in the light of the CSPL report in April and published in May following the end of the pre-election period. It is available on the Council's webpage<sup>6</sup>.

### **Member training 2019**

- 8.9 Training was arranged for Members as part of an Induction programme (two sessions in May 2019), covering an overview of the Constitution (Procedure & Rules), the Councillor Code of Conduct, the Members Planning Code of Good Practice and the Protocol for Member/ Officer Working arrangements. This was reasonably well attended by some existing as well as the newly elected Councillors.
- 8.10 In terms of wider District training, however, discussions have taken place in the regular IPs / Chair meetings, and potentially facilitating this in the District with the Hertfordshire Association of Parish and Town Councils, and the Society for Local Council Clerks (once the Government has responded to the CSPL's report and a timeline for changes has emerged for any Model Code and Parish/ Town and Community Councillors complying with the Principal authority's approved version). Arrangements will be considered once a Government response has been published.

### **Audit review of Governance arrangements 2019**

- 8.11 Whilst internal audit reviews are undertaken through a joint Shared Internal Audit Service (SIAS) and reported through to the Finance, Audit and Risk Committee, Committee Members may wish to know that a Corporate Governance Review was undertaken in May 2019 – which reported on the post reorganisation arrangements (Constitution, Financial Regulations and Contract Procedure Rules, current roles and responsibilities and updated policies and procedures) and this received the highest rating (Good).

### **Recruitment and co-option of further Parish and Community Council representatives to Standards Committee**

- 8.12 One of the then two Parish/ Community Council representatives resigned in May 2019 and therefore a recruitment exercise was undertaken in June-July. Following interviews in July by a Panel, consisting of the IPs, Chair of Standards Committee and the Monitoring Officer, a recommendation was made to Full Council to increase the Parish/ Town/ Community Councillor membership of the Standards Committee up to 4 (from 2) and to then appoint Cllr Dr Julie Magill MBE of Barkway Parish Council and Cllr Amy Bourke-Waite of Royston Town Council. These recommendations were approved on 11 September and the new co-opted Councillors are welcomed to this Committee. The report and decision can be found by clicking on this page link: [Full Council 12.9.19](#)

## **9. LEGAL IMPLICATIONS**

- 9.1 The terms of reference of the Standards Committee include at paragraph 7.5.1 of the Constitution "to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority".

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<sup>6</sup> <https://www.north-herts.gov.uk/home/customer-services/complaining-about-councillor>

**10. FINANCIAL IMPLICATIONS**

10.1 There are no capital or revenue implications arising from the content of this report.

**11. RISK IMPLICATIONS**

11.1 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. There are no direct equalities implications from this report.

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.

**13. SOCIAL VALUE IMPLICATIONS**

13.1 The Social Value Act and “go local” policy do not apply to this report.

**14. HUMAN RESOURCE IMPLICATIONS**

14.1 None. The work outlined within the report is within the caseload of the Monitoring Officer and the legal team.

**15. APPENDICES**

15.1 None.

**16. CONTACT OFFICERS**

16.1 Jeanette Thompson Service Director: Legal and Community (& Monitoring Officer):  
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**17. BACKGROUND PAPERS**

17.1 None other than those referred to/ linked above.