

# **STANDARDS COMMITTEE**

**Minutes of the meeting of the Standards Committee held on Tuesday, 11 October 2022  
at the Council Chamber - Council Offices at 2.00 pm**

## **Committee**

### **Members Present:**

Mr H Blathwayt (Chairman)  
Mr A Brown

Mr J Rest (Vice-Chairman)  
Mr N Dixon

## **Officers in**

### **Attendance:**

Democratic Services and Governance Officer - Scrutiny (DSGOS)  
and Assistant Director for Finance, Assets, Legal & Monitoring Officer  
(MO)

## **1 TO RECEIVE APOLOGIES FOR ABSENCE**

Apologies were received from Cllr L Shires and Cllr P Bütikofer.

## **2 PUBLIC QUESTIONS**

None received.

## **3 MINUTES**

Minutes of the meeting held on 12<sup>th</sup> October 2021 were approved as a correct record and signed by the Chairman.

## **4 ACTIONS ARISING FROM THE MINUTES**

No actions to discuss.

## **5 ITEMS OF URGENT BUSINESS**

None received.

## **6 DECLARATIONS OF INTEREST**

None declared.

## **7 PARISH AND DISTRICT MEMBERS' REGISTER OF INTERESTS AND OFFICER REGISTER OF GIFTS AND HOSPITALITY**

The DSGOS informed Members that Cllr A Brown had requested an update on the implementation of online register of interest forms, which would be provided in due course once the IT Team had responded. It was noted that hard copy registers were available in Democratic Services for inspection if required.

## **8 EXCERPTS OF THE ANNUAL MONITORING OFFICER'S REPORT 2021-22**

The MO introduced the report and informed Members that in the past year the Council had adopted a new Model Member Code of Conduct, and the report contained details of how many code of conduct complaints had been received in the

2021-22 municipal year for District, Parish and Town Councillors. She added that most complaints related to alleged bullying and/or disrespect, and the report also contained example guidance given to Councils for consideration. It was noted that the Council's Independent Person had reached the end of their tenure, and a recruitment process had begun to find a replacement. The MO noted that several complaints received were Councillor to Councillor, and some Parish and Town Councils appeared to be more susceptible to complaints than others.

### Questions and Discussion

- i. Cllr N Dixon referred to the nature and prevalence of complaints related to bullying, harassment, disrespect and dismissive behaviour, and asked whether there was more that could be done to address these issues, given the resource requirements for processing complaints. He added that it could be helpful to take a more proactive approach to training and guidance that may reduce this type of behaviour, as it had a negative impact on Councillors and engagement in local democracy. It was noted that of the 121 Parishes throughout the District, only a small number were listed within the complaints register, which suggested it could be relatively easy to target support where required.
- ii. The Chairman asked whether NALC had a role in addressing complaints, to which the MO replied that most complaints on the register related to alleged behaviour, in which case the vast majority resulted in no further action required. She added that reviewing complaints did have a significant impact on Council resources, with some complaints accompanied by up to thirty pages of supporting information. The MO stated that it would be inappropriate for her to offer pre-complaint guidance and advice, as she needed to remain impartial, though NALC were well placed to offer this type of support. She added that Members may be interested in determining the resource required to review code of conduct complaints on an annual basis, which could be published to show complainants the cost. Cllr N Dixon suggested that early intervention could be helpful address issues in an informal way so that they were less likely to result in formal complaints, which would save the Council time and resource.
- iii. The MO informed Members that complaints were subject to a screening process to determine whether complaints required full investigation, or were otherwise considered not to present a breach of the code of conduct, in which case advice would be offered. The Chairman asked whether the Chair or Clerk of Parish and Town Councils may be well placed to offer early advice on matters and whether this would be appropriate. The MO replied that this approach could lead to further issues, and legislation required that complaints were considered by the District Council. She added that the best option would be for Councils to seek support and guidance from NALC as an independent body.
- iv. Cllr A Brown noted that many Town and Parish Councils used different codes of conduct, though the Nolan Principles were a common theme, and suggested that it could be helpful for primary legislation to standardise the code across Councils. He added that independent mediation from an alternate Parish or Town Council may be an option as a form of peer to peer support.
- v. Cllr J Rest noted that in his experience, Chairmen had been able to address

issues at the Town or Parish level, which negated the need for a formal code of conduct complaint. He added that when appropriate, Chairmen could be asked to resolve issues as part of an early intervention process. The Chairman suggested that Town and Parish Councils should be made aware of the number of complaints received, which may help to discourage or address inappropriate behaviour at its source. He added that there was potential for Parishes with a high number of co-opted Members to misrepresent their parishioners, and this had to be addressed, where necessary. Cllr N Dixon suggested that a Chairman couldn't always be relied upon to resolve issues, and NALC may be a better option in these circumstances. The MO noted that not all complaints were Councillor to Councillor, and Council Chairmen were not well placed to intervene in cases that involved members of the public. She added that it could be helpful to notify Councils if they were subject to a high number of complaints, alongside the costs of investigation.

- vi. The MO stated that with regards to the varying codes of conduct used across the County, efforts had been made to encourage all Councils to adopt a single code of conduct, though unfortunately this had not been successful. She added that a further request to Clerks and Chairs had been made at the Town and Parish Council Forum to encourage adoption of a shared code of conduct. It was noted that using other Parish or Town Councils to mediate issues would not be compliant with existing legislation.
- vii. Cllr N Dixon proposed that the Committee consider developing an additional filter or pre-action protocol to address issues before they reached the stage of complaint. He added that in addition to notifying Councils that received a high number of complaints, offering additional support would be helpful. The MO replied that the initial filter separated complaints that did not amount to a breach of the code of conduct, and asked for clarification of what further action was being suggested. Cllr N Dixon replied that the overall objective would be to reduce the number of complaints received, and his proposal sought to determine whether early stage interventions could help lower the number of complaints. The Chairman asked whether it would be helpful to have a Member of NALC attend to provide input. The MO replied that the Committee had previously shown interest in having a NALC representative attend, to which the Chairman asked if this could be arranged for November.
- viii. Cllr A Brown referred to the key messages section of the report and asked whether policies such as the Code of Conduct and Whistle Blowing Policy were publicly available on the Council's website. The MO replied that the Whistle Blowing Policy was available on the intranet and the Code of Conduct was available on the NNDC website, as well as being in the Constitution. Cllr A Brown referred to the proposals for two independent persons, and asked what the cost implication would be. The MO replied that the Council was required to have at least one independent person with a second providing additional resilience, if required. She added that it was not an expensive service, and would not require significant additional expenditure.
- ix. Cllr J Rest referred to a complaint where the subject member had resigned as a Councillor, and noted that the Council in question was shown to have frequent complaints relating to the same issues, which suggested that additional training was clearly required. The MO noted that where a

Councillor had resigned, sanctions could no longer be imposed as the individual would no longer have any obligations to the Council.

- x. It was confirmed following a question from Cllr A Brown that complaints relating to Clerks were not included, as they did not relate to the Members' Code of Conduct.
- xi. Cllr N Dixon referred to a particular complaint and asked for an update on progress, to which the MO replied that an initial review had taken place and the complaint had progressed to a formal investigation to determine whether there had been a code breach. Cllr N Dixon raised concerns that the complaint had taken almost eleven months to reach this stage, and asked whether there was a reason for the delay, to which the MO replied that she would seek an update from the investigating officer.
- xii. The Chairman asked at what point a complaint was determined to progress to a hearing, to which the MO replied that this would be at the point that a breach of the code had been found which warranted consideration, as a result of possible sanctions be required. She added that there was not a specific timeframe that could be given for this process. The Chairman referred to a complaint that he had been aware of at Parish level, and noted his surprise that it had not reached the Committee for a hearing. The MO replied that the issues raised had been resolved during the investigation.
- xiii. Cllr N Dixon proposed that consideration be given to investigating early intervention methods to resolve issues prior to the point of complaint, with NALC invited to the next meeting to provide input. Cllr A Brown seconded the proposal.

## **RESOLVED**

**That consideration be given to investigating early intervention methods to resolve issues prior to the point of complaint, with NALC invited to the next meeting to provide input.**

## **9 NOTIFICATION OF REQUEST FOR DISPENSATION**

The MO introduced the item and informed Members that in advance of considering the dispensation request received, it would be helpful to better understand and improve the dispensation process, given that the initial request received had not been submitted with alongside supporting information. As a result, a form had been prepared for consideration by the Committee, which had been shared with the relevant Councillor to provide supporting information that would negate the need for further questions. The MO stated that the Committee may also want to consider whether dispensations could be agreed under delegated authority, to avoid Councillors having to wait for the Committee to meet and discuss the dispensation. It was suggested that delegated authority could be given to the Monitoring Officer, subject to consultation with the Chairman.

### Questions and Discussion

- i. Cllr A Brown stated that he was supportive of introducing a form to improve process, and suggested that delegation could improve the timeliness of responding to dispensation requests.

- ii. Cllr N Dixon stated that it was evident that there was a need to be more responsive to dispensation requests, and he therefore agreed with proposals to implement a scheme of delegation. He added that delays to the request included in the agenda likely had impacted debate of the Overview and Scrutiny Committee. The Chairman suggested that the Member in question would likely have had useful insights during discussion of second homes and holiday lets.
- iii. Members agreed that the dispensation request form would be a positive improvement to the process, in addition to granting delegated authority to the Monitoring Officer in consultation with Members of the Standards Committee, in order to agree requests via email. Cllr J Rest proposed the recommendations and Cllr N Dixon seconded.

## **RESOLVED**

- 1. That a template dispensation request form, and a guidance document, be adopted.**
- 2. That delegated authority be granted to the Monitoring Officer, in consultation with Members of the Standards Committee to approve dispensation requests.**

## **10 DISPENSATION REQUEST - CLLR V HOLLIDAY**

The MO introduced the item and informed Members that Councillor V Holliday's request had been made so that she could continue to take part in debates relating to second homes and holiday lets. She added that the request related to debate at Overview and Scrutiny Committee, Full Council, Planning Policy and Built Heritage Working Party. It was noted that the request did not relate to a specific agenda item, but would be applicable to upcoming debates on Council Tax discounts, and any future debates on the impact of second homes and holiday lets. The MO stated that the request would cover the period up to May 2023, and would allow the Member to debate and vote on related reports. It was noted that the Councillor had stated that it was her responsibility as a Councillor to fully represent the views of residents, and this had to be balanced across a range of different circumstances.

### Questions and Discussion

- i. The Chairman asked whether Cllr V Holliday would still need to declare an interest if the dispensation was approved, to which the MO replied that it would remain a disclosed pecuniary interest. It was suggested that approving the dispensation request may help to provide balance to debate, so long as the interest was declared at each applicable meeting.
- ii. Members agreed to approve the dispensation request, subject to conditions and timeframe, on the basis that it would aid in holding a balanced debate in the interest of wider residents.
- iii. Approval of the dispensation request was proposed by Cllr N Dixon and seconded by Cllr J Rest

## **RESOLVED**

**To approve Cllr V Holliday's dispensation request.**

**11 ANY OTHER BUSINESS (TO INCLUDE AN UPDATE ON RECENT STANDARDS COMPLAINTS)**

- i. The DSGOS noted that an advertisement for recruitment of an Independent Person(s) had been delayed as a result of the national mourning period following the death of Queen Elizabeth II, but the advert was now published on the Council's website. The Chairman asked whether recruitment would include an interview process with the Committee, to which the MO replied that an interview would likely include the Chair of the Committee, the MO and one other officer.
- ii. Cllr A Brown referred to the online register of interest form and suggested that the process needed to be treated as a priority to ensure that it was in place prior to the 2023 local elections.
- iii. It was noted that recent standards updates had been discussed during debate of the Monitoring Officer's report.

**RESOLVED**

**To note the update.**

**12 EXCLUSION OF THE PRESS AND PUBLIC**

The meeting ended at 3.05 pm.

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Chairman