

Standards Committee



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3rd October 2022

A meeting of the **Standards Committee** of North Norfolk District Council will be held in the Council Chamber - Council Offices on **Tuesday, 11 October 2022 at 2.00 pm.**

At the discretion of the Chairman, a short break will be taken after the meeting has been running for approximately one and a half hours

Members of the public who wish to ask a question or speak on an agenda item are requested to arrive at least 15 minutes before the start of the meeting. It will not always be possible to accommodate requests after that time. This is to allow time for the Committee Chair to rearrange the order of items on the agenda for the convenience of members of the public. Further information on the procedure for public speaking can be obtained from Democratic Services, Tel:01263 516047, Email:Matthew.Stembrowicz@north-norfolk.gov.uk.

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so should inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed.

Emma Denny
Democratic Services Manager

To: Mr H Blathwayt, Mr J Rest, Mr A Brown, Dr P Bütikofer, Mr N Dixon, Mrs G Perry-Warnes and Miss L Shires

All other Members of the Council for information.
Members of the Management Team, appropriate Officers, Press and Public



If you have any special requirements in order to attend this meeting, please let us know in advance
If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

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A G E N D A

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. PUBLIC QUESTIONS

3. MINUTES

1 - 4

To approve as a correct record, the minutes of the meeting of the Standards Committee held on 12th October 2021.

4. ACTIONS ARISING FROM THE MINUTES

5. ITEMS OF URGENT BUSINESS

To determine any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B (4) (b) of the Local Government Act 1972.

6. DECLARATIONS OF INTEREST

5 - 10

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a pecuniary interest.

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

Members are reminded that the Parish and District Members' Register of Interests and Officer Register of Gifts and Hospitality are available for inspection in Democratic Services.

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

11 - 18

To receive and note the report.

9. NOTIFICATION OF REQUEST FOR DISPENSATION

19 - 26

Summary: The Constitution provides that any request for a dispensation to participate and/or vote falls to be heard and considered by the Standards Committee, but provides little additional detail. A template form and guidance note is proposed to provide for a clear process which captures the details of the request and provides information on how it will be considered.

Options considered:

- (1) Adopt a template form and guidance note, which may be added to the Member section of the NNDC website
- (2) No action – this still allows for consideration of dispensations, but with no procedure or form set out.

Conclusions: That there is currently no procedure for Members, other than a requirement to set out their request for a dispensation in writing. To address this, a template form is proposed, which would capture all the information needed by a Standards Committee to determine a request. Such form to be accompanied by a guidance document and added to our website.

Recommendations: **That a template dispensation request form, and a guidance document, be adopted.**

Reasons for Recommendations: To enable a clear process for the consideration of dispensations

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(Papers relied on to write the report, which do not contain exempt information and which are not published elsewhere)

Cabinet Member(s) Ward(s) affected - All

Contact Officer, telephone number and email: Cara Jordan, Monitoring Officer

Tel - 01263 516373; email - cara.jordan@north-norfolk.gov.uk

10. DISPENSATION REQUEST - CLLR V HOLLIDAY

Members of the Committee are asked to consider the following dispensation request:

Cllr V Holliday requests a dispensation to participate in further debates and decisions relating to second homes and holiday lets in the District.

11. ANY OTHER BUSINESS (TO INCLUDE AN UPDATE ON RECENT STANDARDS COMPLAINTS) 27 - 28

1. Members to receive and note the update on recent standards complaints.
2. Verbal update on the recruitment of an Independent Person.

12. EXCLUSION OF THE PRESS AND PUBLIC

To pass the following resolution:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part I of Schedule 12A (as amended) to the Act”.

STANDARDS COMMITTEE

Minutes of the meeting of the Standards Committee held on Tuesday, 12 October 2021 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)
Mrs G Perry-Warnes

Officers in

Attendance:

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

46 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr L Shires and Cllr N Dixon.

47 PUBLIC QUESTIONS

None received.

48 MINUTES

Minutes of the meeting held on 27th April 2021 were approved as a correct record and signed by the Chairman.

49 ACTIONS ARISING FROM THE MINUTES

- i. Cllr A Brown referred to comments made regarding the review of the Member/Officer Protocol, and noted that a response had not been received from the DSM. The DSGOS confirmed that he would ensure a response was provided by email.
- ii. It was confirmed, in response to a question from Cllr G Perry-Warnes that excerpts from the Monitoring Officer's Report relating to code of conduct issues did fall within the remit of the Committee, and had been provided for the Committee's consideration.

50 ITEMS OF URGENT BUSINESS

None received.

51 DECLARATIONS OF INTEREST

None declared.

52 PARISH AND DISTRICT MEMBERS' REGISTER OF INTERESTS AND OFFICER REGISTER OF GIFTS AND HOSPITALITY

The DSGOS reminded Members that all registers were available for review in Democratic Services.

53 EXCERPTS OF THE ANNUAL MONITORING OFFICER'S REPORT

The MO introduced the report and informed Members that it was an annual requirement that provided a summary of work completed in the previous year. She added that whilst the report covered the period from 1st April 2020 to 31st March 2021, she had only been in post as MO since February 2021. It was noted that an excerpt report had been prepared that contained the sections of the full report that were relevant to the Committee. This included a summary of the Members' register of interests, gifts and hospitality, matters relating to the code of conduct and general advice given to Parish Councils. The MO noted that the agenda also included a separate update for any code of conduct issues that took place after the 31st March 2021.

Questions and Discussion

- i. It was confirmed, following a question from Cllr J Rest that the excerpt was part of the full report presented to GRAC, on matters relating specifically to the Standards Committee. The MO stated that Appendix A had been added, which included information on code of conduct matters that had occurred during the period covered by the report.
- ii. Cllr H Blathwayt referred to Appendix A and asked whether it was an average number of complaints. The MO replied that there was a lower number of complaints than normal, potentially as a result of the Pandemic limiting the number of physical meetings. She added that there were no issues in the period covered by the report that had required significant sanctions.
- iii. Cllr G Perry-Warnes asked whether subject members were notified of all outcomes in relation to complaints, or only those that were escalated. The MO confirmed that subject members were notified of all outcomes, even if no further action was required. She added that subject members were always notified of complaints and offered an opportunity to respond, followed by an investigation with both the subject member and complainant notified of the outcome.
- iv. Cllr H Blathwayt asked whether there were any situations in which NALC were involved in the complaints process, rather than or in addition to NNDC. The MO replied that occasionally the Council would liaise with NALC during the process, but it was a statutory requirement for the NNDC MO to review all code of conduct complaints relating to District, Town and Parish Councils. Cllr H Blathwayt stated that the head of NALC had recently changed, and suggested that it could be helpful for a representative to attend a future meeting to brief Members on their role in supporting Councillors and Councils across Norfolk.
- v. It was confirmed, following a question from Cllr J Rest that no complaints contained within the report had been escalated to the point of Committee involvement. The MO added that many complaints had not required further action, or where minor breaches had been found, resolution could be reached without the need for a hearing.
- vi. Cllr A Brown referred to definitions of bullying and asked what definition the Council had adopted, and how transparent the process of complaint handling

was. He added that complaints often appeared in specific parts of the District, and asked whether this was a concern requiring external investigation. The MO replied that the new code of conduct suggested that was no one specific set of circumstances could be defined as bullying, as it covered a range of behaviours and issues. She added that historically there had been some Parish and Town Councils that presented more complaints than others, and it was possible these could be the result of longstanding issues. It was noted that any criminal conduct would be outside the role of the MO, and would therefore need to be referred to the Police. Cllr A Brown referred to Town and Parish Councils as employers, and asked how a breach in contract of employment would be dealt with, and whether there would be an order to investigations if Police involvement was required. The MO replied that she would seek to avoid prejudicing any police investigation. On employment issues, it was noted that this would be a matter for the Parish or Town Council, apart from where an employee had made a complaint about an elected individual.

- vii. Cllr G Perry-Warnes asked whether the Council still used an independent person, and at what stage they would be consulted during an investigation. The MO confirmed that the Council still used an independent person, and they were consulted frequently in respect of all code of conduct complaints.
- viii. Cllr H Blathwayt noted that code of conducts complaints presented a high level of stress for all involved, and suggested that this should be better recognised.

RESOLVED

To receive and note the report.

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

The DSGOS reminded Members that Code of Conduct Training was due to take place on Monday 18th October and all Members were encouraged to attend.

55 EXCLUSION OF THE PRESS AND PUBLIC

The meeting ended at 2.26 pm.

Chairman

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Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a relative, close associate; or
 - c. a body included in those you need to disclose under Other Registrable Interests as set out in **Table 2**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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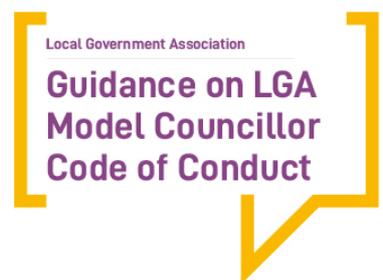
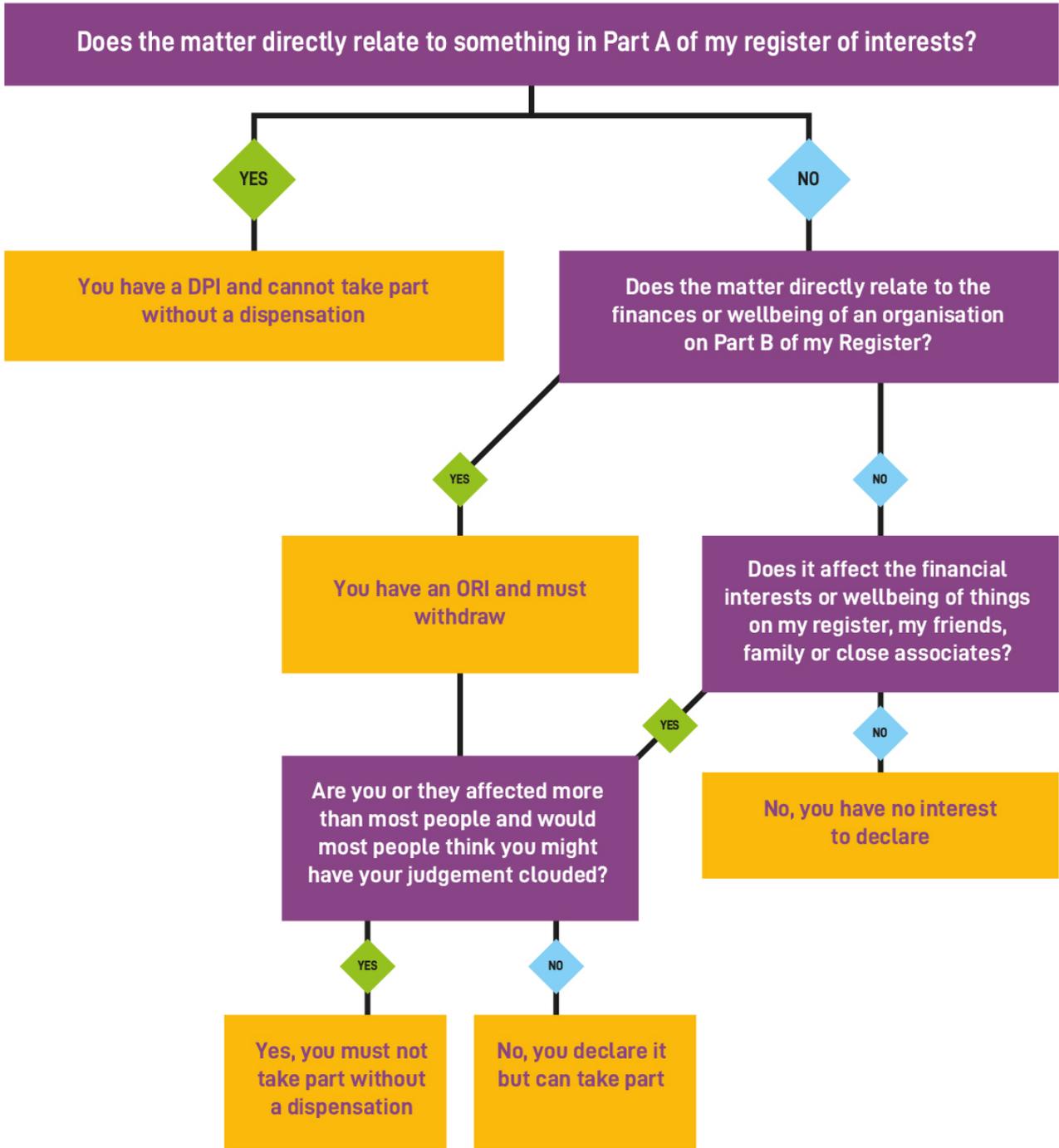
* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - (i) exercising functions of a public nature
 - (ii) any body directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)



Excerpts of the Annual Monitoring Officer’s Report

The Monitoring Officer prepares an annual report which summarises the key parts of the Monitoring Officer’s work from the previous financial year. The Monitoring Officer Report covered the period 1 April 2021 to 31 March 2022. This report was shared with the GRAC meeting of 27 September 2022 and can be read in full. The excerpts below are those areas of the report that are relevant to the Standards Committee so that they may be reviewed and considered in greater detail.

Additional information is provided to the Standards Committee relating to complaints received during this period and referred to in the excerpt marked (e) below. This is at Appendix 1.

Excerpts from sections 2, 3 and 4 of the Annual Report:

2.The Monitoring Officer’s Work April 2021 – March 2022

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<p>(c) Establish and maintain the Register of Member’s interests and gifts and hospitality.</p>	<p>Members are required to provide a register of interests and keep such up to date. This is the responsibility of each individual Member, but Members are reminded about this requirement quarterly, and in April prior to the Annual Meeting.</p> <p>The Register of Members’ Interests is publicised on the Council’s website. The Registers are available for inspection at the Council’s offices. The Council also holds the Register of Interests for Town and Parish Councils in the district.</p> <p>During some of the year 2021/2022, the country continued to experience restrictions in work, socialising and social events due to the pandemic. The Code of Conduct and guidance sets out the requirements for Members as to gifts and hospitality. There are two entries relating to gifts/hospitality for this period, listed at Appendix C.</p>
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(e) Investigate misconduct in respect of District, Parish and Town Councillors under the Code of Conduct.

The Model Code of Conduct had been drafted following recommendations by the Committee on Standards in Public Life. It was designed to protect the democratic role, promote good conduct and safeguard the public's trust in local government. As with the previous Code, it is based upon the Nolan Principles and aims to be widely adopted nationally by councils.

Following its adoption by Full Council, Members received training on the new Code and a copy of the accompanying guidance to the Code. The new model Code of Conduct was adopted by Full Council in July 2021 and any complaints about Member Conduct then fell to be considered under this new Code. The Council's Protocol on Member/Officer Relations has been updated and is relevant in judging compliance with the Code of Conduct.

Between April 2021 and March 2022, a total of 23 Code of Conduct complaints were received. Twenty complaints relate to parish/town councils and four relate to the District Council (there was one complaint which covered both tiers). This compares to 20 complaints from the previous year relating to district, parish and town councils.

On receipt of a complaint about Member Conduct, the Monitoring Officer conducts an initial assessment to determine if the matter warrants any further action, such as a formal investigation. The Monitoring Officer liaises with the Council's Independent Person in this process.

The most common reason for complaints continues to be alleged bullying and disrespect to others. The majority of complaints were assessed as requiring no further action. Sometimes this has been accompanied by some informal recommendations or guidance to improve governance. Two parish council matters were referred for investigation during the year

	<p>2021/2022. The Standards Committee did not sit to consider any alleged Code of Conduct breach during this period.</p> <p>The Localism Act 2011 places significant importance on registering interests, especially disclosable pecuniary interests and Members are regularly reminded of the need to keep their register of interests up to date.</p> <p>Members have sought advice in order to comply with the Code of Conduct, including in relation to declaring interests under the Code and matters relating to dispensations. A flowchart and guidance note has been added to agenda papers for Council meetings to assist Members with information about when they may need to declare an interest.</p>
<p>(g) Provide advice to Town and Parish Councils on the interpretation of the Code of Conduct.</p>	<p>The Monitoring Officer, and her staff, have provided advice to Parish Councils, particularly via their clerks, on the Standards and Code of Conduct Arrangements during 2021/22 via telephone and email.</p> <p>The Monitoring Officer (and her staff) have provided advice and assistance to a number of parishes through interventions to raise standards and deal with complaints.</p> <p>The Town and Parish Forum meets quarterly and consists of key District Council officers, Members, in addition to clerks, parish/town Members and a representative from the Norfolk</p>

	Association of Local Councils. This provides an opportunity to provide general information relating to the Code of Conduct.
(h) Promote and support high standards of conduct through support to the Standards Committee.	<p>The Standards Committee supported the new Code of Conduct which was then adopted by Full Council. The Independent Person has provided valued input into the Code of Conduct procedures, providing an independent perspective to the Monitoring Officer, and also providing assistance to Members who have been the subject of a complaint.</p> <p>The Independent Person, having reached the end of his tenure, will be leaving the role once the Council has completed its recruitment process for two Independent Persons. It is anticipated that having two, rather than one, Independent Person will provide resilience and added support to the Standards Committee and the Council.</p>

APPENDIX C – Register of Member Gifts and Hospitality

Date	Name of Member	Person offering gift or hospitality	Description of gift/hospitality	Accepted or declined?
06.09.2021	Cllr Sarah Butikofer	High Sheriff	Reception - 6 September	Accepted
29.9.2021	Cllr Sarah Butikofer	Flagship Housing Group	Dinner in Suffolk with Overnight Accommodation - Flagship partners conference event	Accepted

3.Key Messages

3.1 The key messages to note from the year are:

- (i) The Constitution has been and will continue to be maintained and updated.
- (ii) The Whistleblowing policy has been updated.
- (iii) A new Member Code of Conduct is has been adopted by the Council and Member training on the new Code was delivered.
- (iv) The Protocol on Member/Officer Relations has been updated in the Constitution

4.Looking Forward

4.1 The key issues for 2022/2023 are as follows;

- Any actions arising from internal and external audits will need review and implementation
- The Council, through its Town and Parish Forum will look to promote adoption of the new Model Code of Conduct
- The local elections are due to take place in May 2023, with prospective candidates events taking place prior.
- The Constitution has not had a fundamental review for 10 years and such will need to be undertaken to ensure it is sufficiently clear and suitable for the present time and future.
- The advertisement and recruitment process of two Independent Persons (under the Localism Act 2011)
- The intended provision of an online updating facility for registration of Member interests
- Anticipated requirement for an Independent member to sit on the Governance Risk and Audit Committee

4.2 Code of Conduct

4.2.2 A new Member Code of Conduct has been adopted by the authority, based on the Local Government Association Model Code. Training has been provided. Members will continue to receive regular reminders to keep their register of interests up to date. An online facility for register of interest updates is planned.

APPENDIX 1

Code of Conduct Complaints – NNDC and Parish Councils from 1.4.2021 to 31.3.2022

(anonymised information)

Complaint Date	Ref No:	Complaint By	Member	Authority	Allegation	Assessment Outcome	Hearing	Outcome	Progress/DN sent
6.4.2021	017487	Miss	Cllr	Sheringham TC	Bullying and harassing behaviour	No further action	No	closed	DN sent 30.7.2021
11.5.2021	017679	Miss	Cllr	Sheringham TC	Bullying behaviour	No further action	No	closed	DN sent 30.7.2021
1.6.2021	017757	Mrs	Cllr	Wells TC	Disrespectful behaviour	No further action	No	closed	DN sent 22.7.2021
15.7.2021	018139	Mr	Cllr	Catfield PC	Abusive & disrespectful behaviour	For further investigation	No		DNs sent 8.12.2021
16.7.2021	018140	(3 MOPs)	Cllrs (x2)	Potter Heigham PC	Intimidating & bullying behaviour	No further action	No	Closed	DNs sent 22.9.2021
16.7.2021	018133	Mr	Cllrs (x2)	Potter Heigham PC	Intimidating and bullying behaviour	No further action	No	closed	DNs sent 22.9.2021
2.8.2021	018207	Cllr	Cllr	Sheringham TC	Failure to disclose a Pecuniary Interest	Subject Member to be written to as recommended by IP re failure to declare Register of Interests	No	Closed	DN sent 3.11.2021
3.8.2021	018213	Cllr	Cllr	Cromer TC & NNDC	Failing to treat people with dignity and respect	No further action	No	Closed	DN sent 3.11.2021
9.8.2021	018281	Dr	Cllr	Cromer TC	Failing to treat people with respect, libellous and defamatory comments	No further action	No	closed	DN sent 29.10.2021

27.8.2021	018468	Mr	Cllr	Hoveton PC	Bullying, harassing behaviour	Complaint Form not returned	Complaint Form not returned	closed	Complaint Form sent Complaint Form never returned.
1.9.2021	018499	Mrs	Cllr	Sutton PC	Bullying and dismissive behaviour	No further action	No	Closed	DN sent 3.11.2021
12.10.2021	018901	Dr	Cllrs (x2)	Comer TC	Online ratification of a standards decision notice breached Cromer TC's Society Social Media Policy – approach was disrespectful, unfair, improper & unlawful.	No breach – no further action	No	closed	DN sent 14.1.2022.
13.10.2021	018936	Mr & Mrs	Cllr	NNDC	Expressing a personal opinion on coastal erosion to a prospective purchaser of a property & bringing council into disrepute	No further action	No	Closed	DN sent 11.3.2022
15.10.2021	018984	Cllr	Cllrs (x2)	Sheringham TC & Upper Sheringham TC	Bullying, disrespectful behaviour through social media to include harassment, and libellous accusations.	No further action.	No	closed	DN sent 10.3.2022.
9.11.2021	019144	Cllr	Cllr	Catfield PC	1. Not declaring an interest 2. Potential bullying and disruption of meetings 3. Housing & Immigration	No breach found – no further action.	No	closed	DN sent 28.1.2022.
9.11.2021	019145	Mr	Cllrs (x2)	East Ruston PC	Conflict of interest and bullying behaviour	No further Action	No	closed	DNs sent 31.1.2022.

22.11.2021	019217	Mr	Cllr	Mundesley PC	Use of bad language, bullying, disrespectful behaviour	No breach but Subject Member warning to behave privately in a respectful manner.	No	closed	DN sent 26.1.2022
30.11.2021	019268 Jo	Ms	Cllrs (x2)	Sheringham TC	Bullying and harassment	Refer for Investigation	?	Open for investigation	DN sent 10.3.2022
14.12.2021	019309	Cllr	Cllr	Cromer Town Council	Aggressive and bullying behaviour	Informal Resolution	No	closed	DN sent 17.1.2022.
21.12.2021	019329	Cllr	Cllr	NNDC	Intimidating, harassing & bullying behaviour which is politically motivated in an attempt to gag the complainant	No breach found – No further action.	No	closed	DN sent 28.1.2022.
1.1.2022	019365	Cllr	Cllr	NNDC	Misleading advice and misguided information regarding a planning application	No breach found – No further action.	No	closed	DN sent 15.2.2022.
20.1.2022	019476 (SECOND COMPLAINT)	Cllr	Cllr	Cromer TC	Defamatory, libellous behaviour	No further action	No	closed	DN sent 10.3.2022.
17.03.2022	019825	Cllr	Cllr	Sheringham TC	Threatening, intimidating, abusive behaviour & swearing	Discontinued – Subject Member no longer a Councillor	No	closed	Cllr resigned from STC

NOTIFICATION OF REQUEST FOR DISPENSATION

Summary: The Constitution provides that any request for a dispensation to participate and/or vote falls to be heard and considered by the Standards Committee, but provides little additional detail. A template form and guidance note is proposed to provide for a clear process which captures the details of the request and provides information on how it will be considered.

Options considered:

- (1) Adopt a template form and guidance note, which may be added to the Member section of the NNDC website
- (2) No action – this still allows for consideration of dispensations, but with no procedure or form set out.

Conclusions: That there is currently no procedure for Members, other than a requirement to set out their request for a dispensation in writing. To address this, a template form is proposed, which would capture all the information needed by a Standards Committee to determine a request. Such form to be accompanied by a guidance document and added to our website.

Recommendations: **That a template dispensation request form, and a guidance document, be adopted.**

Reasons for Recommendations: To enable a clear process for the consideration of dispensations

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(Papers relied on to write the report, which do not contain exempt information and which are not published elsewhere)

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Cabinet Member(s)	Ward(s) affected - All
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Contact Officer, telephone number and email: Cara Jordan, Monitoring Officer Tel - 01263 516373; email - cara.jordan@north-norfolk.gov.uk
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1. Introduction

1.1 The Constitution references the Standards Committee as the appropriate committee to hear and determine applications for dispensations by Councillors of North Norfolk District Council under Section 33(2) Localism Act 2011. Very little further information is available there as to how to make the application, and what information needs to be provided. As Members need

to act with care when participating or voting at meetings, with reference to interests, a procedure to assist with these considerations may be helpful to Members and allow the authority to keep a clear audit trail of requests and decisions.

2. Proposed Procedure

2.1 **Appendix A** provides a short tabular form for a Member to complete who wishes to apply for a dispensation. This form provides the detail that the Committee will need to determine the request. **Appendix B** provides information to assist Members making a request, or who sit on the Standards Committee, on how a request will be determined and communicated.

2.2 Such documents could be accessible in the Member section of the Council's website.

3. Corporate Plan Objectives

3.1 Customer Focus

Ensuring that the Council's democratic process runs as transparently and as effectively as possible, building on the corporate plan objective of focussing on the customer and putting them at the heart of what we do

4. Financial and Resource Implications

There are no specific costs associated with the proposals set out in this report.

5. Legal Implications

There are no specific legal implications, but the provision of a clear process is likely to assist Members in complying with their legal obligations and appropriate determination of requests.

6. Equality and Diversity

The considerations and recommendations have a remote or low relevance to the substance of the Equality Act.

7. Section 17 Crime and Disorder considerations

The Localism Act 2011 places legal obligations upon elected members with regard to disclosing of interests. A process may enhance these obligations and accordingly may be relevant to the prevention of crime and disorder in the District.

8. Conclusion and Recommendations

That the Standards Committee considers adding a form and guidance note to assist members in applying and considering requests for dispensations:

(i) That a template dispensation request form, and a guidance document, be adopted.

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North Norfolk District Council Standards Committee Dispensation Request Form

Please complete the form below, providing full details in support of your application for a dispensation. You should refer to the accompanying guidance to this form.

Please send your completed form to the Monitoring Officer or if you need any help completing this form please contact the Monitoring Officer.

Your name	
Decision-making body/bodies in respect of which you require a dispensation	
Details of your membership of that body	
The business for which you require a dispensation (refer to agenda item number if appropriate)	
Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body Yes/No	
Dispensation requested to participate in any vote, or further vote, taken on that business by that body Yes/No	
Full reasons why you consider a dispensation is necessary (use a continuation sheet if necessary)	
Have you added a continuation sheet? Yes/No	

Signed..... Dated.....

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Information for Members – Application for Dispensations

1 Introduction

1.1 The Standards Committee is responsible for determining requests for dispensation by Councillors of North Norfolk District Council under Section 33(2) Localism Act 2011

2 Purpose and effect of dispensations

2.1 In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited under the Code of Conduct or by law. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

3. The Localism Act 2011

3.1 Section 31 Localism Act 2011 generally prohibits a Member from participating and voting in a matter for which they hold a Disclosable Pecuniary Interest [“DPI”]:

Section 31(4)

“(4) The member or co-opted member may not—

- (a) participate, or participate further, in any discussion of the matter at the meeting, or*
 - (b) participate in any vote, or further vote, taken on the matter at the meeting,*
- but this is subject to [section 33](#).”*

3.2 Section 33 allows for a Member, with a DPI, to apply in writing for a dispensation to be able to participate and/or vote at a meeting of the authority where the matter is to be discussed.

3.3 This procedure is applicable to a DPI or other interest for which a dispensation is requested. At NNDC it is the Standards Committee which determines such applications. On considering an application, the Standards Committee may consider granting a dispensation with reference to the reasons in section 33(2)(a)-(e) and the period for which the dispensation applies, which must not be in excess of 4 years.

33 Dispensations from section 31(4)

(1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in [section 31\(4\)](#) in cases described in the dispensation.

(2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—

- (a) considers that without the dispensation the number of persons prohibited by [section 31\(4\)](#) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,*
- (b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,*
- (c) considers that granting the dispensation is in the interests of persons living in the authority's area,*
- (d) if it is an authority to which [Part 1A](#) of the [Local Government Act 2000](#) applies and is operating executive arrangements, considers that without the dispensation each member of*

the authority's executive would be prohibited by [section 31\(4\)](#) from participating in any particular business to be transacted by the authority's executive, or

e) considers that it is otherwise appropriate to grant a dispensation.

(3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.

(4) [Section 31\(4\)](#) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

4 Criteria for determination of requests

4.1 In reaching a decision on a request for a dispensation the Standards Committee will need to take into account:

(a) the nature of the Councillor's interest

(b) the need to maintain public confidence in the conduct of the Council's business

(c) the possible outcome of the proposed vote

(d) the need for efficient and effective conduct of the Council's business any other relevant circumstances

5 Terms of dispensations

5.1 Dispensations may be granted:

(a) for one meeting; or

(b) for a period not exceeding 4 years.

5.2 Dispensations may allow the Councillor:

(a) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or

(b) to participate in any vote, or further vote, taken on the matter at the meeting(s).

5.3 If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.

6 Disclosure of decision

6.1 A Member applying for a dispensation will be notified as soon as possible and in any event, within 7 days of the decision of the Standards Committee

6.2 Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.

6.3 A copy of the dispensation will be kept with the Register of Councillors' Interests

Code of Conduct Complaints for NNDC/Parish & Town Councils from 1.4.22 to 30.9.22 (Anonymised)

Complaint Date	Complaint Reference	Complain t By	Member	Authority	Allegation	Assessment Outcome	Heari ng	Outcome	Progress/DN sent
11.4.2022	020041	Cllr	Cllr	Sheringham TC	Abusive and harassing behaviour	Refer for Investigation	No	Open for Investigatio n	DN sent out 15.8.2022
28.4.2022	020123	Mr	Cllr	NNDC	Abuse of power, defamation of character & intimidation	No Further Action	No	Closed	DN sent out 24.8.2022.
2.5.2022	020132	Mr	Cllr	NWTC	Disrespectful and offensive behaviour	No Further Action	No	Closed	DN sent 15.8.2022
3.5.2022	020145	Mrs	Cllr	Sheringham Town Council	Disrespectful behaviour	Refer for Investigation	No	Open for Investigatio n	DN sent 15.8.2022
3.5.2022	020151	Mrs and Ms (x2)	Cllr	Briston Parish Council	Divulging personal and confidential information & threatening behaviour	No Further Action.	No	Closed	DN sent 30.6.2022
23.5.2022	020296	Ms	Cllr	Cromer Town Council	Alleged financial impropriety	No further action	No	Closed	DN sent 5.8.2022
24.5.2022	020305	Mr	Cllr	Cromer Town Council	Alleged Illegal Activity	No Further Action – advice provided	No	Closed	DN sent 18.7.2022

23.6.2022	020512	Mr.	Cllr	NNDC	Misused Position as Councillor	-	-	-	Sent to IP & First Letters sent
24.6.2022	020525	Mr	Cllr	Great Ryburgh Parish Council	Alleged Disrespectful behaviour	No Further Action	No	Closed	DN sent 15.8.2022
4.7.2022	020573	Mrs	Cllr	Aldborough & Thurgarton Parish Council	Alleged Disrespectful behaviour				Sent to IP & first letters sent
18.7.2022	020651	Mr	Cllr	Sheringham Town Council	Alleged Disrespectful behaviour	-	-	-	Sent to IP & first letters sent
27.9.2022	021119	Mrs	Cllr and Cllr (x2)	Brinton Parish Council	Alleged unreasonable & dishonest behaviour	-	-	-	Sent to IP & first letters sent