

STANDARDS COMMITTEE

Minutes of the meeting of the Standards Committee held on Tuesday, 1 October 2019 at the Council Chamber - Council Offices, Holt Road, Cromer, NR27 9EN at 2.00 pm

Committee

Members Present:

Mr N Pearce (Chairman)
Mr N Dixon

Mr J Rest (Vice-Chairman)
Miss L Shires

Members also attending:

Officers in

Attendance:

Head of Legal & Monitoring Officer and Democratic Services and Governance Officer (Scrutiny)

Also in attendance:

1 TO RECEIVE APOLOGIES FOR ABSENCE

None received.

2 PUBLIC QUESTIONS

None received.

3 MINUTES

Minutes to be approved at the next meeting.

4 ITEMS OF URGENT BUSINESS

None received.

5 DECLARATIONS OF INTEREST

None declared.

6 DISTRICT MEMBERS' REGISTER OF INTERESTS AND OFFICER REGISTER OF GIFTS AND HOSPITALITY

The Monitoring Officer informed Members that the Members' Register of Interests and the Officer Register of Gifts and Hospitality were available to view in Democratic Services.

7 MONITORING OFFICER'S ANNUAL REPORT 2018/19

The Monitoring Officer introduced the Report and informed Members that the role came with a number of statutory functions outlined in the Constitution designed to ensure satisfactory governance of the Council. As a requirement of the annual audit process, the Report had been completed to provide an overview of these functions from April 2018 to March 2019.

Questions and Discussion

The Monitoring Officer informed Members that the Code of Corporate Governance was the key framework to which the organisation must adhere, that would ensure that the Council met specific ethical and governance standards. The Monitoring Officer stated that she was obliged to report unlawfulness to the Council, and could postpone any potentially unlawful decisions.

A recent change in procedure to improve the Council's governance arrangements was explained that involved reports from business planning meetings being reviewed by CLT, after which officers could provide appropriate advice. Members were informed that this process helped to produce legally defensible decisions, and identify when delegated authority was required.

The Monitoring Officer reported that there had been no unlawfulness in the year covered by the Report, and no Section 5 Reports completed as a result. In addition, there had been no incidents of maladministration, and no complaints regarding breaches of the Code of Conduct.

It was reported that the Council maintained the register of interests for Parish and Town Councils, though the Council's themselves had responsibility for submitting and updating the registers. Members were informed that the Council also reviewed any standards complaints made at Parish or Town level, with 23 of 24 complaints received in the 2018/19 year at Parish level. It was reported that these complaints often pertained to Parish meeting procedure, in which case NNDC offered advice for improvements.

Members were informed that there had been no breaches of the Council's protocols, and that the Member-Officer Protocol had been updated in the Constitution. Furthermore, there had been no complaints of fraud or impropriety with regards to the whistleblowing process.

The Monitoring Officer referred to the advice on vires issues, maladministration, financial impropriety, probity and policy, and informed Members that discussions had taken place around improving the Council's governance framework. She added that the issues raised were being addressed in a number of ways, including the creation of a Corporate Delivery Unit that would provide a governance framework for individual projects and processes. It was stated that work was also underway to improve the role of the O&S and GRAC Committees, to offer a more robust assessment of new proposals, with monitoring, reviews and outcome setting given considerable attention for improvement.

On exemptions under standing orders, which covered issues such as tender levels and when to tender, the Monitoring Officer stated that exemptions were permitted under special circumstances, for instance the continued use of specialist contractors. In these cases, exemptions could be justified and agreed by the Section 151 and Monitoring Officer.

Members were informed that no litigation cases had taken place in 2018/19, though it was possible that one case could be expected this year, which was currently at the discovery stage.

The Monitoring Officer stated that the key controls had been adequate for 2018/19, though it was apparent that some improvements were needed that would take time

to implement.

The Monitoring Officer commented on the period of no overall political control, and suggested that processes had become an important means of ensuring balance, though once the political situation stabilised, there was a diminution in the number of complaints received.

The Chairman thanked the Monitoring Officer for the detailed report and welcomed questions from Members. Cllr N Dixon referred to the number of complaints outlined on page 3 of the agenda, and asked whether these could be further defined. The Monitoring Officer agreed to the request and stated that decision notices could also be shared with Committee Members to provide extra detail.

Cllr N Dixon referred to the exemptions identified on page 6 of the agenda, and asked how they had been authorised. The Monitoring Officer replied that some had gone to Full Council for a decision, though in cases of emergency, they would generally go to Cabinet. She added that on amounts of £5-10k, three quotes were required, though as previously noted, in situations of exemption these could be justified and agreed by the S151 and Monitoring Officer.

Cllr L Shires referred to the complaints identified on page 3, and noted that she had attended Parish meetings where unnecessary information had been disclosed. Subsequently, she asked what could be done to avoid potential bias in these situations, to which the Monitoring Officer replied that such information should remain confidential until the point that guilt is found. She added that Members could be excused from Committee meetings if hearings took place regarding their parishes. Cllr L Shires stated that the complaints process appeared to suggest that a reply should be received within fifteen days of complaint, though it was apparent that Parish Councils did not adhere to these times. The Monitoring Officer replied that Parish Council's had no statutory role in the complaints process and that all actions should be deferred to the District Council.

Cllr J Rest asked for clarification on whether the first priority in dealing with a complaint was to protect the reputation of the Council. The Monitoring Officer replied that the first priority was to ensure good governance, and significant efforts were to made to this effect. Cllr J Rest then asked if most complaints were Member to Member, to which the Monitoring Officer replied that this was not necessarily the case, with some complaints made by members of the public or officers. She added that complaints from Parish Councils were frequently the result of arguments between Members, where robust debate was expected and often permissible.

Cllr J Rest raised the significant increase in Freedom of Information Requests (FOIR) on councillors, and asked whether Members were notified of these requests. The Monitoring Officer replied that FOIRs did not cover personal data, so requests on individual Members were often rejected. Some exceptions, such as payment of Council Tax were upheld, as Members were not permitted to vote on budget setting if in Council Tax arrears. Transcripts of conversations were discussed as a subject of FOIR, and it was explained that the requests were often rejected as a result of GDPR legislation. It was confirmed, following a question from Cllr J Rest, that follow-up notifications should be given to Members once FOIR information had been released.

Cllr N Dixon asked whether there was any indication that FOIRs were being used inappropriately. The Monitoring Officer replied that this had occurred, and that often requests were submitted in an attempt to gather more information than required. She

added that Members were granted access to information on a need to know basis, whilst the O&S and GRAC Committees were granted additional access to carry-out their role. Members were reminded that maintaining the balance between protecting privacy vs the public interest, meant that all FOIRs had to be given careful consideration. Cllr Dixon asked what could be done to limit any unnecessary FOIRs being submitted, and whether training on access to information could be offered. The Monitoring Officer replied that there had been recent cases to suggest that training could be beneficial, taking into account that FOIRs gave an open right for information to be used by the press and public. Cllr N Dixon proposed that the Committee make a recommendation for training to improve Members' knowledge of the FOIR process.

The Chairman referred to unclear governance procedures as a common cause of complaints, and asked for clarification on the consequences of incorrect decision making at parish level as a result of bad process. The Monitoring Officer replied that in the case of Parish Councils, where administratively incorrect decisions were made, the District Council had few powers to take action, but would offer advice for improvement.

Cllr L Shires asked whether NNDC officers were confident in rejecting unnecessary requests for information from Members. The Monitoring Officer replied that officers had to be able to carry-out their roles without being pressured to provide unnecessary information, and that whilst more officers were seeking advice on this issue, information relating to policy proposals presented a difficult position. It was suggested that maintaining a good relationship between Committee Chairman and Cabinet allowed for a more constructive approach to policy development that overcame the causes of suspicion that led to such requests.

Cllr J Rest suggested that there was an issue with Members attendance, and it was unfortunate that important meetings were being missed. Cllr N Dixon stated that the concerns were more significant for Standards Committee as it met less often. The Chairman suggested that the opportunity should be taken to improve meeting attendance. Cllr L Shires suggested that a recommendation be made to Council to remind Members of their obligation to attend meetings, send apologies and arrange substitutes.

It was proposed by Cllr N Dixon that recommendations be made to the Members Development Group for training to be offered on access to information, and that a recommendation be made to Council to remind Members of their obligation to attend meetings, give apologies and arrange substitutes. Cllr J Rest seconded the proposals.

RESOLVED

- 1. To note the Monitoring Officer's Annual Report.**
- 2. To recommend to the Members Development Group that training on access to information be offered to Members.**
- 3. To recommend to Council that Members be reminded of their obligation to attend meetings, give apologies and arrange substitutes.**

8 CONSULTATION ON ETHICAL STANDARDS

The Monitoring Officer introduced the Report and informed Members that the

Committee had considered the initial Consultation on Ethical Standards at a previous meeting, and had resolved to issue a collective response. The Report before the Committee sought to update Members on the outcome of the consultation.

Questions and Discussion

The Monitoring Officer informed Members that the consultation had arisen as a result of concerns regarding the limitations of Standards Committee sanctions. It had been suggested that Standards Committees' should have their powers returned to be able to suspend Members for a specified period.

The Report included a best practice guidance for local authorities, which the Monitoring Officer suggested the Council was almost compliant with, and could be fully compliant with Members agreement. Cllr J Rest agreed that the guide complied with many of the Council's existing standards, as most were either statutory or common sense. It was confirmed that the Council had to comply with legislation, therefore most of the practices were already adhered to. The individual best practice recommendations were reviewed case by case. It was noted on best practice area 1 that a new bullying and harassment code could be adopted, though it may be more beneficial to await the LGA's updated version to avoid confusion between codes.

The Council was compliant on best practice areas 2 to 6. For area 7, it was noted that the Council already had an independent person, though could benefit from the recruitment of a second. The Council was compliant in best practice areas 8 to 10, though on area 11, the Monitoring Officer stated that Clerks should be advised that complaints must be made by the Parish Council on behalf of the Clerk.

On best practice area 12, it was suggested that it would be difficult for the Monitoring Officer to provide the level of support suggested to all 121 Parishes, however the Council would offer any assistance it could. Discussion was held regarding the possibility of centralising Parish Clerks, though it was suggested that this would receive a poor reception from Parish and Town Councils. Cllr L Shires added that doing so could also take away much needed income from Clerks and damage trust in the District Council. It was accepted that centralised training for the Clerks could be beneficial. The Monitoring Officer suggested that this could be considered as part of the customer focus theme within the emerging Corporate Plan, and that the Council must ensure that resources were directed to the areas for the highest impact.

Cllr N Dixon asked how many times the independent person had been consulted with in the past year, to which the Monitoring Officer confirmed that they had been consulted on all 24 complaints, and had provided a useful sense check to determine direction.

The Council was noted to be compliant in best practice areas 13 to 15.

The recommendations were proposed by Cllr J Rest and seconded by Cllr L Shires.

RESOLVED

- 1. To note the Report and the contents of the review**
- 2. To endorse the actions contained within paragraph 3.6 in relation to Best Practice recommendations**

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

The Monitoring Officer informed Members that there was no update to be disclosed at present.

10 EXCLUSION OF THE PRESS AND PUBLIC

The meeting ended at 3.38 pm.

Chairman