

Standards Committee



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4th October 2021

A meeting of the **Standards Committee** of North Norfolk District Council will be held in the Council Chamber - Council Offices on **Tuesday, 12 October 2021 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 - 6

To approve as a correct record, the minutes of the meeting of the Standards Committee held on 27th April 2021.

4. ACTIONS ARISING FROM THE MINUTES

To consider any actions arising from the minutes of the last meeting.

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

7 - 8

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 the Democratic Services section.

8. EXCERPTS OF THE ANNUAL MONITORING OFFICER'S REPORT

9 - 14

To receive and note the report.

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

15 - 16

To receive and note an update on any recent standards complaints and consider any other business.

10. 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, 27 April 2021 at the remotely via Zoom at 2.00 pm

Committee

Members Present:

Mr H Blathwayt (Chairman)
Mr N Dixon
Miss L Shires

Mr A Brown
Mrs G Perry-Warnes

Members also attending:

Ms V Gay (Observer)

Officers in Attendance:

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

35 TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Cllr J Rest.

36 PUBLIC QUESTIONS

None received.

37 MINUTES

Minutes from the meeting held on 18th February 2021 were approved as a correct record and signed by the Chairman.

38 ACTIONS ARISING FROM THE MINUTES

Cllr N Dixon referred to item 27 paragraph 5 and updated Members that the CE had provided a response to the Committee, though he did not yet feel that a substantive answer had been provided. He added that he had therefore had a meeting the CE that had given rise to further questions, that he would continue to pursue.

Cllr G Perry-Warnes stated that if the issue were to be raised at the Committee again, she would appreciate confirmation from the MO that it fell within the remit of the Committee.

39 ITEMS OF URGENT BUSINESS

None received.

40 DECLARATIONS OF INTEREST

None declared.

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

The DSGOS informed Members that the registers were available to view in Democratic Servicers upon request.

Cllr L Shires noted that District Members received regular reminders to update their registers and asked whether the same reminders were given to Parish Councillors, or whether this service was provided by Parish Clerks. The DSM replied that this was generally covered by Parish Clerks, as there were over a thousand Parish Councillors to monitor. She added that the National Association of Local Councils were encouraging Parish Councils to adopt the new Code of Conduct, and this could lead to more cooperative working with Parish Councils, to improve the process of updating Member's registers. Cllr A Brown suggested that it would be helpful for register update reminders to become a standard item for Parish Council AGMs.

42 ADOPTION OF NEW MODEL MEMBER CODE OF CONDUCT

Cllr V Gay - Chair of the Constitution Working Party informed Members that the CWP had reviewed the new Code of Conduct and were happy to recommend its approval. She added that it was a clear document that thoroughly addressed the Nolan Principles, and it was hoped that neighbouring authorities would also adopt the Code. The MO informed Members that it had been hoped that consensus would be reached to adopt a single Code of Conduct for all Norfolk authorities, though some Councils had adopted with minor amendments, and some were yet to adopt the code. She added that there were significant changes to the code that included an increase in the threshold for the register of gifts and hospitality to £50, and the actions for declarations of interests had been strengthened.

Questions and Discussion

- i. Cllr N Dixon endorsed the comments made on the aspirations to adopt a common Code of Conduct for Councils in Norfolk, in order develop a common understanding across the County, as well as making resource savings.
- ii. Cllr G Perry Warnes stated that she was in favour of harmonisation across authorities, and noted that the MO had suggested that some Councils had made minor amendments, and asked whether this would be an issue. The MO replied that whilst some authorities may adopt the code with minor amendments, there was no reason that these couldn't be addressed in the future, to achieve the aspiration of a shared Code of Conduct.
- iii. The Chairman stated that whilst it was a large step for all Councils to adopt a shared code, it would be beneficial to improve wider understanding of the Code for Councillors and members of the public.
- iv. The recommendation was proposed by Cllr L Shires and seconded by Cllr N Dixon.

RESOLVED

To recommend to Full Council that the Model Code of Conduct be adopted.

43 REVIEW OF THE MEMBER / OFFICER PROTOCOL

The DSM introduced the report and informed Members that there had not been a full

review for some time, though elements had been reviewed at varying stages. She added that as the Code of Conduct was under review, it was now an appropriate time to review the full Member Officer Protocol, as they were considered together during investigations. It was noted that examples from several authorities had been reviewed as part of the process, and most had been considered more robust than the existing Protocol, which supported the case for improvements. The DSM stated that the new Protocol had strengthened its guidance on the roles of Councillors and Officers, in addition to improvements to the guidance for handling cases of bullying and harassment. She added that the CWP had made minor amendments to the wording which had been highlighted, and it was hoped that the new Protocol would be a more robust document for future use. It was noted that the Media Relations Protocol had been reviewed separately by the Communications Manager, but would be merged back into the main document.

Questions and Discussion

- i. Cllr V Gay thanked officers for developing the Protocol and noted that it hadn't been reviewed for many years. She added that whilst the old Protocol did provide useful guidance, it did not provide a clear statement on the roles and responsibilities of Members and Officers. It was stated that the new Protocol provided clear guidance on these issues, as well as improvements on the Media Relations Protocol in relation to social media. Cllr V Gay stated that the new Protocol would provide clear guidance for Members during the induction process, and throughout their tenure. She added that CWP were happy to recommend its approval.
- ii. Cllr L Shires stated that the new Protocol had been well prepared, and asked for clarification on the extent of consultation with Officers. The DSM replied that she had circulated the new Protocol with CLT and the HR Manager, who had provided feedback on strengthening the guidance on bullying and harassment. She added that it was yet to be shared with wider staff, though if Members were supportive, then it could be shared with the Staff Focus Group to ensure that Officers were aware of the changes and content.
- iii. Cllr A Brown thanked Members of the CWP for their input and noted that the language used was very clear. He referred to section 4.8 on expressions of political opinion, and asked whether these should be restricted to Full Council, or whether these were appropriate at other Committees. Cllr A Brown then asked how Members would be kept informed of relevant ward information, and asked if there was a requirement for Officers to notify Members under these circumstances. The DSM replied that both issues had been raised by CWP and noted that the first point on political statements had been included to make Officers aware that it was an important aspect of Member's roles. She added that some Committees were non-political, such as Overview & Scrutiny and Development Committee, for which there was a separate Protocol that could be referred to. On the matter of ward protocol, it was noted that this was an ongoing issue, and reviewing the Protocol was an opportunity to strengthen this guidance for Officers. She added that there was an expectation for Officers to notify Members of any significant issues in their wards.
- iv. Cllr N Dixon sought clarification on staff consultation and asked whether Officers would have the opportunity to contribute to the working document, if necessary. The DSM replied that if the Committee supported the new Protocol, then she would be happy to share it with Officers, with the

opportunity to provide input if necessary. Cllr N Dixon referred to the guidance on political statements at Committee meetings, and suggested that excluding Full Council, he would encourage further strengthening of this guidance. He added that ward protocol remained an important issue, and it was crucial for Members to be kept informed of all relevant information. Cllr N Dixon referred to point 11.2 and noted that there was a reference to Chief Officers, and asked whether there was a reason for this wording. The DSM replied that this was in the Media Protocol, and suggested that it could refer more widely to senior officers, though she would seek clarification and amend if necessary.

- v. Cllr G Perry-Warnes stated that she agreed with comments discouraging political statements at Committee meetings, then referred to the guidance on ward protocol and asked whether this included Cabinet Members. The DSM replied that it would apply across all Members, if anyone was aware of an issue that had arisen in someone else's ward. Cllr L Shires replied that she was unsure of the level of communication that took place between Officers and other Cabinet Members, and suggested that this issue could benefit from clarification. The DSM replied that the guidance mainly referred to issues that crossed ward boundaries, and sought to encourage communication between Members on these issues. She added that Officers were also expected to inform Members of any issues relating to specific Member's wards.
- vi. Cllr A Brown referred to the Officers identified in section 11.2 and suggested that amendments could be considered to make the document more consistent, as written in 11.1. The DSM replied that she would amend the wording subject to the agreement of the HR Manager.
- vii. Cllr G Perry-Warnes stated that she would appreciate the guidance on ward protocol being amended, to require Cabinet Members and Officers to update Members on all issues within their ward. The Chairman supported the suggestion and said that he had also had issues within his ward that he had not been informed of.
- viii. Cllr L Shires referred to her Mental Health Champion role and stated that where possible, she had shared information to help individuals subject to their permission, though this was not routine.
- ix. Cllr V Gay stated that she did try to contact the relevant ward Member when specific issues arose, though this was not always possible.
- x. On the understanding that the Committee's comments would be given consideration for amendments, the recommendations were proposed by Cllr L Shires and seconded by Cllr A Brown.

RESOLVED

1. That Standards Committee reviews the revised Member / Officer protocol and considers the inclusion of an additional section on expected behaviours in their upcoming review of the Member Code of Conduct.

2. That, following any further amendments by Standards Committee, Council approves the revised Member /Officer Protocol.

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

The MO stated that she had no substantive updates in regards to any recent standards complaints.

Questions and Discussion

- i. Cllr N Dixon stated that it would be helpful to know how many complaints had been received, and how long they had been in process, potentially with an anticipated completion date. He added that he was aware of complaints that had been active for several months without any outcome determined. Cllr N Dixon proposed that an update be provided at all future meetings on the number of complaints received, and the amount of time they had been active. The MO replied that she would be happy to provide updates at future meetings, and stated that whilst she did not have the full figures available, there were approximately ten matters in progress, which included Parish Council complaints.
- ii. The Chairman asked whether a split was available between District and Parish complaints, to which the MO replied that there were significantly more complaints received regarding Parish Councils, though this could in large part be due to the higher number of Councillors.
- iii. Cllr L Shires stated that she supported the request for an update at every meeting, and suggested that this could also include information on the number of cases where no breach of the Code of Conduct had been found.
- iv. The DSM stated that a summary was previously provided and suggested that she could share previous versions with the MO to provide an update at future meetings. The MO stated that she was happy to provide the information in the future, and noted for the benefit of Members, that when a complaint was received, they passed through a sifting process to determine whether it met the threshold for potentially breaching the Code of Conduct.
- v. Cllr N Dixon stated that an update on complaints was central to the role of the Committee, and stated that the omission should be resolved as soon as possible for future meetings.

ACTIONS

To receive an update on standards complaints at all future meetings.

45 EXCLUSION OF THE PRESS AND PUBLIC

The meeting ended at 3.01 pm.

Chairman

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Declarations of Interest at Meetings

When declaring an interest at a meeting, Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting.

Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.

Does the interest directly:

1. Affect yours, or your spouse / partner's financial position?
2. Relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?
3. Relate to a contract you, or your spouse / partner have with the Council
4. Affect land you or your spouse / partner own
5. Affect a company that you or your partner own, or have a shareholding in

If the answer is "yes" to any of the above, it is likely to be pecuniary.

Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.

Does the interest indirectly affect or relate to any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?

If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

Is the interest not related to any of the above? If so, it is likely to be another interest. You will need to declare the interest, but may participate in discussion and voting on the item.

Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.

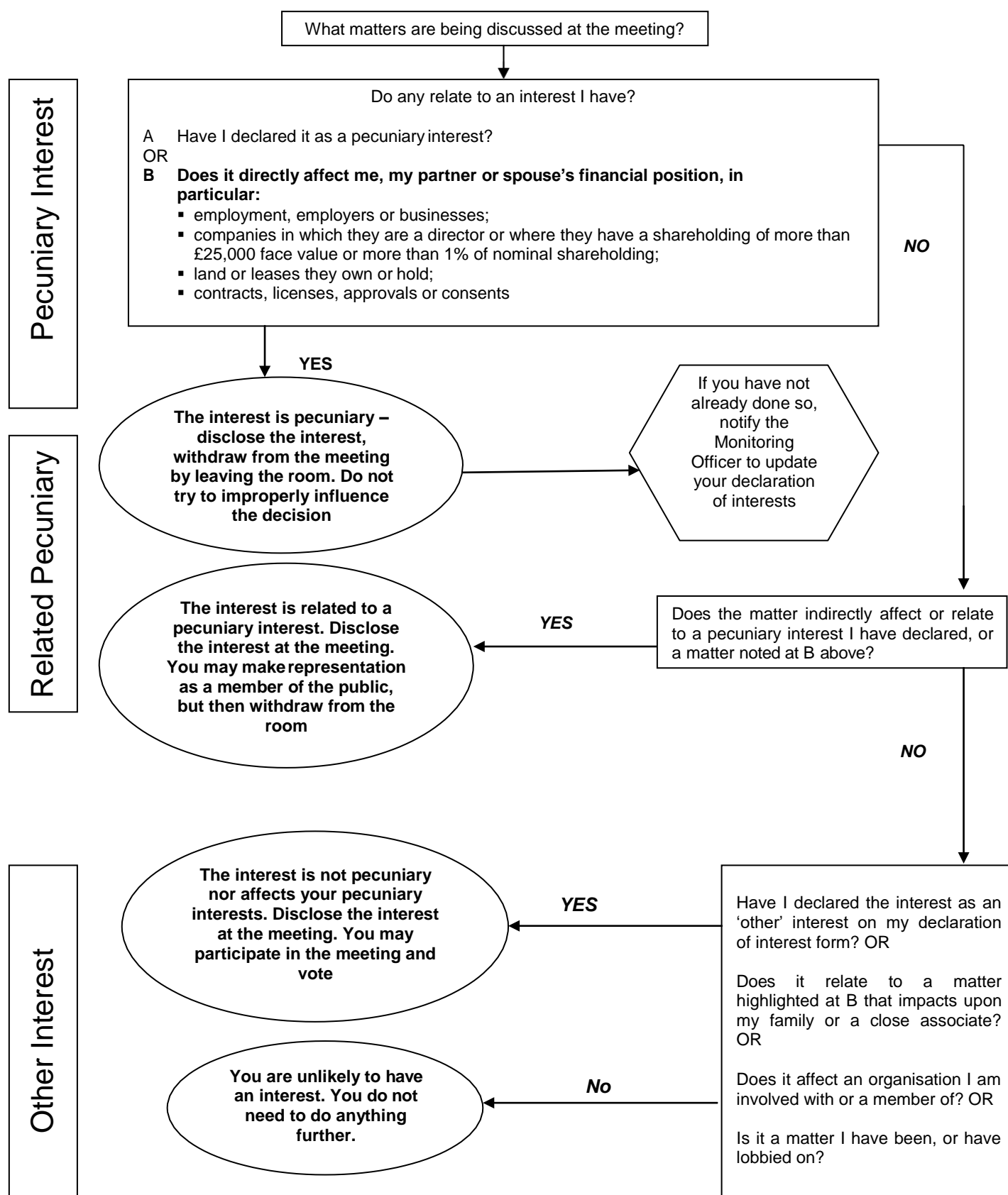
FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF

PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST INSTANCE

DEVELOPMENT COMMITTEE MEMBERS SHOULD ALSO REFER TO THE PLANNING PROTOCOL

Declarations of Interest at Meetings

DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



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 2020 to 31 March 2021. The current Monitoring Officer has held the role since February 2021.

Excerpts of relevance to the Standards Committee are outlined below.

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 A.

Excerpts:

(c) Establish and maintain the Register of Member's interests and gifts and hospitality.	<p>Members are required to provide a register of interests and keep such up to date.</p> <p>During the year 2020/2021, the country experienced restrictions in work, socialising and social events due to the pandemic. Whilst there have been entries on this register in previous years, there are none for the year 2020/2021.</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.</p>
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<p>(e) Investigate misconduct in respect of District, Parish and Town Councillors under the Code of Conduct.</p>	<p>During the year between April 2020 and March 2021, a total of 20 complaints were received (14 relate to parish/town council and 6 relate to the District Council). This compares to 29 complaints from the previous year and relates to District, parish and town councils.</p> <p>The most common source of complaints were 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. Three parish council matters were referred for investigation during the year 2020/2021.</p> <p>A Code of Conduct complaint was made regarding information missing from a Member's register. Whilst it was found that there had been a breach of the Code, there was no evidence of any deliberate attempt to gain an advantage in the failure to update the register, resulting in no further action and advice. This complaint prompted a review of the Members' Register of Interests and led to contact with some further 7 Members who appeared not to have updated their register of interests. Following this communication, Members updated their registers. Again, these omissions were considered an oversight rather than an attempt to gain advantage. The Localism Act 2011 does place significant importance on registering interests, especially disclosable pecuniary interest and Members have been reminded of this. Where appropriate, Members have been reminded of the importance of respecting the provisions of the Code and other Protocols.</p> <p>Advice has been offered to parishes, particularly via contact through their clerks with the Monitoring Officer and her staff. More recently, a Clerks cluster café, hosted by NALC, has provided the council with an opportunity for contact with town and parish councils, as has the NNDC Town and Parish Council forum.</p>
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	<p>Members have regularly sought advice in order to comply with the Code of Conduct, including in relation to declaring interests under the Code.</p> <p>Members have been provided with guidance through the provision of briefing notes through the Member's Bulletin.</p> <p>*(A new Code of Conduct has subsequently been adopted by the Council and Members are to receive training during the year 2021/22.)</p>
(g) Provide advice to Town and Parish Councils on the interpretation of the Code of Conduct.	<p>The Monitoring Officer, and her staff, have provided advice to Parish Councils on the Standards and Conduct Arrangements during 2020/21 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. Further advice/assistance has recently been provided to parishes/towns to help them comply with their obligations under the Code through the cluster café and the Town and Parish Council Forum.</p>
(h) Promote and support high standards of conduct through support to the Standards Committee.	<p>The Committee has considered and supported adoption of the new Code of Conduct (the Local Government Association new Model Code of Conduct).</p> <p>The Independent Person arrangements are working well.</p>

A new Member Code of Conduct has been adopted by the authority, based on the Local Government Association Model Code. Training is to be provided. Members will be reminded to keep their register of interests up to date.

Monitoring Officer Summary of Complaints

1.4.2020 to 31.3.2021 – NNDC & parishes

Complaint Date	Complaint Reference	Authority	Nature of Allegation	Assessment Outcome	Further information
23.4.2020	015213	Overstrand PC	No consultation to parishioners of a matter which was of public interest.	No further action	DN sent 8.7.2020
19.5.2020	015364	Sheringham TC	Bully behaviour/plea for assistance	No further action	DN sent 21.11.2020
20.5.2020	015365	Sheringham TC	Bullying behaviour	Withdrawn	Complaint withdrawn.
20.5.2021	015366	Bacton & Edingthorpe PC	Failure to declare a personal/prejudicial interest in a planning application.	Advisory words to subject member.	DN sent 11.8.2020
8.6.2021	015438	Sheringham TC	Critical & damaging statements made in a published article on website	No further action.	DN sent 6.10.2020
10.6.2020	015463	Ludham PC	Bullying behaviour/matter reported to Police	No further action	DN sent 20.08.2020
30.6.2020	015590 & 015983	Happisburgh PC	Aggressive/rude/disrespectful behaviour	Referred for investigation	DN sent. Investigation completed August 2021. Letter to Subject Member re possible resolution without the need for a hearing.
25.8.2020	015914 & 015992	Walcott PC	Subject Member 1 – Bullying and intimidating behaviour Subject Member 2 – allowing comments on social media to be published.	Subject Member 1 - referred for investigation. Subject Member 2 - no further action	DN sent for investigation re SM1. DN sent for SM2 2.03.21
8.10.2020	016161	Mundesley PC	Subject Member resigned prior to assessment.	No further action	DN sent 11.12.2020
12.10.2020	016193	NNDC	Failure to register a disclosable pecuniary interest	No further action. Advice given	DN 22/1/21
17.11.2020	016466	Sheringham	Critical & damaging statements made in	Referred for further	DN sent 4.3.2021

		TC	a published article on Council website	investigation – no breach found – no further action	Outcome sent 11/6/21
24.11.2020	016567	NNDC	Disrespectful behaviour	No Further Action	DN sent 5.5.2021
3.12.2021	016643	Blakeney PC	Making comments on live planning applications.	No further action	DN sent 2.3.2021
4.1.2021	016829	Catfield PC	Bullying behaviour	No further action Informal governance advice given	DN 15.2.21
24.2.2021	017243	NNDC	Lack of decorum and courtesy towards others feelings	No further action Advice provided	DN 16.3.2021
24.11.2020	016567	NNDC	Disrespectful behaviour	No further action	DN sent 6.5.2021
4.1.2021	016829	Catfield PC	Bullying behaviour	No further Action Informal governance advice given	DN sent 16.2.2021
8.3.2021	017324	NNDC	Inappropriate and disrespectful behaviour	No further action	DN sent 6.5.2021
22.3.2021	017409	NNDC & Sheringham TC	Abusive and libellous behaviour	No further action	DN sent July 2021

Monitoring Officer Summary of Complaints

1 April 2021 to Present – NNDC and parishes

Date file opened	Complaint Reference	Authority	Nature of Allegation	Assessment Outcome	Further information
6.4.2021	017487	Sheringham TC	Bullying and harassing behaviour	Investigation ongoing	DN 30.7.21 For Investigation
11.5.2021	017679	Sheringham TC	Bullying behaviour	No further action	DN sent 30.7.2021
21.5.2021	017757	Wells TC	Disrespectful behaviour	No further action	DN sent 22.7.2021
26.7.2021	018139	Catfield PC	Abusive & disrespectful behaviour		Not yet concluded.
26.7.2021	018140	Potter Heigham PC	Intimidating & bullying behaviour	No further action	DNs sent 22.9.2021
23.7.2021	018133	Potter Heigham PC	Intimidating and bullying behaviour	No further action	DNs sent 22.9.2021
2.8.2021	018207	Sheringham TC	Failure to disclose a Pecuniary Interest		Not yet concluded
3.8.2021	018213	Cromer TC & NNDC	Failing to treat people with dignity and respect		Not yet concluded
9.8.2021	018281	Cromer TC	Failing to treat people with respect, libellous and defamatory comments		Not yet concluded
27.8.2021	018468	Hoveton PC	Bullying, harassing behaviour		Not yet concluded
1.9.2021	018499	Sutton PC	Bullying and dismissive behaviour		Not yet concluded

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