

Standards Committee



Please Contact: Emma Denny

Please email: emma.denny@north-norfolk.gov.uk

Please Direct Dial on: 01263 516010

25 September 2017

A meeting of the **Standards Committee** of North Norfolk District Council will be held in the **Council Chamber** at the Council Offices, Holt Road, Cromer on **Tuesday 03 October 2017 at 2.00 p.m.**

Members of the public who wish to ask a question or speak on an agenda item are requested to notify the committee clerk 24 hours in advance of the meeting and arrive at least 15 minutes before the start of the meeting. 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: democraticservices@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 must 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 District Members: Mr D Baker, Mrs S Butikofer, Mr B Hannah, Ms M Prior, Mr R Reynolds, Mr R Stevens and Mr R Shepherd

To Co-opted Members: Mr R Barr, Mr A Bullen, Mrs M Evans and Mr H Gupta

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

Corporate Directors: Nick Baker & Steve Blatch
Tel 01263 513811 **Fax** 01263 515042 **Minicom** 01263 516005
Email districtcouncil@north-norfolk.gov.uk **Web site** northnorfolk.org

A G E N D A

1. TO RECEIVE APOLOGIES FOR ABSENCE

2. PUBLIC QUESTIONS

3. MINUTES (page 3)

To approve as a correct record, the minutes of the meeting of the Committee held on 18 April 2017 and the minutes of the Standards Committee Hearing held on 18 July 2017.

4. 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

5. DECLARATIONS OF INTEREST

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

6. 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

7. MUNDESLEY PARISH COUNCIL – RESPONSE TO RECOMMENDATIONS

To receive an update from the Monitoring Officer on Mundesley Parish Council's response to the recommendations of the Standards Committee Hearing held on 18th July 2017 (decision notices attached at p.10)

8. PARISH COUNCILS AND STANDARDS: WIDER ENGAGEMENT

To receive an oral update on the Council's engagement programme with parish and town councils.

9. EXCLUSION OF 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 a meeting of the Standards Committee held on 18 April 2017 in the Council Chamber, Council Offices, Holt Road, Cromer at 2.00pm.

Members present:

District Members	Mr B Hannah Mrs G Perry-Warnes Ms M Prior Mr R Shepherd Mr R Stevens (Chair)
Co-opted Members	Mr A Bullen Mr H Gupta
Officers in attendance	The Monitoring Officer The Democratic Services Manager

1. TO RECEIVE APOLOGIES FOR ABSENCE

Mr E Seward and Mr R Barr.

2. PUBLIC QUESTIONS

None.

3. MINUTES

The Minutes of the Meeting of the Standards Committee held on 20 September 2016 were approved as correct records and signed by the Chairman.

4. ITEMS OF URGENT BUSINESS

None.

5. DECLARATIONS OF INTEREST

None.

6. PARISH COUNCILS AND STANDARDS: WIDER ENGAGEMENT

The Chairman invited the Monitoring Officer to provide an oral update to the Committee on the Standards Committee wider engagement programme. She began by saying that

although the previous face to face sessions had been very successful, they had not reached all of the parish and town councils that they needed to. Complaints that had been received over recent months indicated that there was still a lack of awareness regarding Freedom of Information (Fol) and Data Protection issues as well as governance procedures. Generally parish councils that were already engaged tended to attend whereas those needing more assistance did not come. To address this, the Council had started an e-briefing which would cover good practice and key issues of interest.

The first issue of 121 magazine had been sent out to parish clerks at the end of February 2017 and provided an overview of Fol requests. The next issue would look at how to respond to Fol requests and outline common standards problems. The Monitoring Officer said that this was the first level of a new engagement process and once feedback was received this would be built on and there was the possibility of attending the parish council forums at a future date. She added that there were some very good clerks but it was evident that there were also several of a poorer standard.

The Chairman asked whether the briefing was sent out via email only. The Monitoring Officer confirmed that it was. In response to a further question as to whether it could be circulated to co-opted members of the Standards Committee in future, the Democratic Services Manager confirmed that this would be done going forward.

Mr H Gupta said that he agreed the e-briefing was a good idea and that it was important for the Council to initiate discussions with parish and town councils. The Monitoring Officer replied that she would also refer parish and town councils onto the Norfolk Association of Local Councils (NALC) for advice and that the focus was very much on 'self-help'.

Mrs G Perry-Warnes said that online tutorials could be an option. The Monitoring Officer agreed and said that the provision of an intranet for parish and town councils was being considered and this could include tutorials on data protection and Freedom of Information as well as useful templates.

Mr A Bullen referred to the varying quality of parish clerks and pointed out that many parish and town councils relied on them heavily. He said that it may be best to focus on the clerks initially to raise standards. The Monitoring Officer said that she agreed but that it was also important that councillors had enough knowledge to question the process and the clerks' decisions if necessary.

Ms M Prior referred to NALC. She said that a lot of the information they provided was available online but that due to ongoing problems within the organisation, people should be wary of contacting them direct – particularly for training provision.

7. MONITORING OFFICERS ANNUAL REPORT

The Monitoring Officer outlined the Annual Report. She explained that it summarised the more important matters arising from the Monitoring Officer's work for the Council from 1st April 2016 to 31 March 2017. She drew Members' attention to the rise in complaints over the last year and said that the majority related to town and parish councils, with unclear governance and disrespect to others being the main issues.

Mr A Bullen asked what was the most effective way to correspond with people. The Monitoring Officer replied that email was the preferred method as it left a written trail. She added that she had undertaken some mediation sessions on a face-to-face basis which had been helpful as it enabled people to express their concerns whilst allowing control of the debate.

Mr Bullen then asked whether there was any guidance in place to advise potential complainants about the process and recommend to them that email was the best format. The Monitoring Officer said that she requested people to confirm the complaint in writing.

Mrs G Perry-Warnes said that it was important to focus on positive behaviour such as 'be nice' and 'show respect' rather than advising people not to do something.

Mr R Shepherd said that the report was clear and easy to read.

The Chairman thanked the Monitoring Officer.

The next meeting of the Standards Committee was scheduled for 18 July 2017.

The meeting concluded at 14.26pm

Chairman

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee Hearing held on 18 July 2017 in the Council Chamber, Council Offices, Holt Road, Cromer at 9.30 am.

Members present:

District Councillors: Mr B Hannah, Ms M Prior

Independent Members: Mrs M Evans (Chairman)

Officers in Attendance: The Monitoring Officer and the Democratic Services Officer.

Investigating Officer: The Employed Barrister

Also present: The Subject member and the Complainant plus supporters

1 APOLOGIES

Apologies were received from the Independent Person.

2 ITEMS OF URGENT BUSINESS

None

3 DECLARATIONS OF INTEREST

None

4 COMPLAINT FOR HEARING

The Chairman introduced the Panel and explained that the Complainant had made three allegations which had been investigated by the Investigating Officer, Cara Jordan. She had found a breach on two of the allegations. It was confirmed that the Panel had also received and read additional information provided by the Subject Member on 13 July 2017.

It was confirmed that no audio recordings would be made of the Hearing.

The Investigating Officer then outlined the principle matters and the findings in her report on the investigation referred by the Monitoring Officer in accordance with North Norfolk District Council's Assessment procedures.

- a) Failure to act with openness regarding a planning application: the Investigating Officer found no breach but perceived that the event had seemed to trigger issues between the Complainant and the Subject Member. The Investigating Officer found that the Subject Member did not breach the Code of Conduct.

- b) Failure to treat the Complainant with respect at a part two meeting: the Investigating Officer found that the Subject Member did breach the Code of Conduct.
- c) Complaints about emails following that meeting and the Subject Member's attendance at a meeting of another Parish Council: emails were widely circulated after the meeting to Parish Councillors and sometimes to third parties. Many of these emails contained derogatory comments about the Complainant or were undermining. The Investigating Officer found that the Subject Member did breach the Code of Conduct.

In the course of the investigation, the Investigating Officer had received a significant amount of paperwork from members of the Parish Council. There were two distinct parties – those in support and those against. The Investigating Officer had not met with these people as the documents received gave sufficient insight into the complaints. She added that some peripheral matters – a grievance report and an incident after a part two meeting – were not relevant and that additional papers received subsequently did not impact on the findings.

The Investigating Officer then took questions from the Panel on her report.

The Complainant and Subject Member were then invited to ask questions of the Investigating Officer.

The Monitoring Officer advised the Panel to pick out relevant parts from the peripheral information and to concentrate on the conclusions of the investigation report.

The Subject Member then presented her evidence. She said she was only referring to the additional documents.

The Panel asked the Subject Member questions regarding her evidence.

The Chairman thanked everyone for their contributions and the Panel adjourned to consider. A decision would be given at a later date.

The Hearing ended at 12.45 pm.

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee Hearing held on 18 July 2017 in the Council Chamber, Council Offices, Holt Road, Cromer at 1.30 pm.

Members present:

District Councillors: Mr B Hannah, Ms M Prior

Independent Members: Mrs M Evans (Chairman)

Officers in Attendance: The Monitoring Officer and the Democratic Services Officer.

Investigating Officer: The Employed Barrister

Also present: The Subject Member and three supporters. The Complainant was not present

1 APOLOGIES

Apologies were received from the Independent Person.

2 ITEMS OF URGENT BUSINESS

None

3 DECLARATIONS OF INTEREST

None

4 COMPLAINT FOR HEARING

The Chairman explained that the Complainant was not present and had sent an email of apology which was read out

It was confirmed that there would not be an audio recording of the Hearing.

The Complainant had subsequently withdrawn his complaint. However the Monitoring Officer could decide if withdrawal was acceptable. On this occasion she had concerns about the complaint and felt it was appropriate to investigate it. If Members decided there had been a breach, a recommendation could be made to the whole Parish Council.

The Investigating Officer outlined the principle matters and the findings in her report on the investigation referred by the Monitoring Officer in accordance with North Norfolk District Council's Assessment procedures.

It was alleged that the Subject Member had failed to declare an interest Parish Council meeting on 20 June 2016, where an award of a financial grant was discussed and a decision to award a grant to this body was made. The Complainant stated that no interest was declared, nor did the Subject Member remove herself when the application was discussed. The Clerk had made available a table of the list of grant applications.

The Investigating Officer found that, on balance, considering the Subject Member had applied for funding in the previous year, it was likely that she realised this item was on the agenda. There was similar wording on the agenda of April 2015. The Subject Member had declared an interest at this meeting. The Subject Member's Declaration of Interest form was lodged with NNDC signed and dated 20 June 2016.

The Investigation Report concluded that there was a breach of the code on the part of the Subject Member.

The Chairman invited the Panel to ask questions of the Investigating Officer.

The Subject Member then presented her evidence and the Panel asked questions.

The Chairman thanked everyone for their contributions and the Panel adjourned to consider. A written decision would be given at a later date.

The Hearing ended at 14.35 pm.

NORTH NORFOLK DISTRICT COUNCIL

STANDARDS COMMITTEE HEARING PANEL

18 JULY 2017

DECISION NOTICE

PANEL MEMBERS	Mrs M Evans (co-opted Chair) Cllr B Hannah Cllr M Prior
SUBJECT MEMBER; Cllr Laura Stango (Mundesley Parish Council) Supported by Cllr Harding (Mundesley PC) and Mr Stango	COMPLAINANT; Mrs W (former employee of Mundesley PC) Supported by Mr W and daughter
Investigating Officer	Cara Jordan

PRELIMINARY	N/A
ALLEGATIONS	<p>In summary, it is alleged that Councillor Stango of Mundesley Parish Council breached the Code of Conduct in that:</p> <p><i>a. Cllr Stango failed to act with openness and accountability in her conduct surrounding a planning application, considered at the Mundesley Parish Council (MPC) meeting of 21 March 2016.</i></p> <p><i>b. Cllr Stango failed to treat Mrs W with respect at the Part II meeting of the MPC on 21 March 2016, when she questioned the employee about her health and employment plans.</i></p> <p><i>c. Following this meeting, Cllr Stango, through her conduct, was disrespectful to Mrs W in that she undermined her and caused her embarrassment, in particular by sending undermining emails to other people and by her conduct at the Overstrand Parish Council on 19 April 2016.</i></p> <p><i>NOTE: Allegation (a) was not found to be a breach by the Investigating Officer and was not considered by the Panel.</i></p>
EVIDENCE HEARD	<p>The Panel members;</p> <ol style="list-style-type: none"> 1. Read the Investigator's report and appendices. 2. Read the further documentation provided by Cllr Stango 3. Heard evidence from; Mrs W and Cllr Stango 4. Heard submissions from the Investigation Officer
INDEPENDENT PERSON ASSESSMENT (Mr A Oram)	<p>These comments are based on the papers circulated to the Committee and the additional papers submitted by Councillor Stango</p> <p>Matters related to allegation (b)</p>

bullying conduct by Cllr Stango.

3. The Panel felt that the tone and content of the emails was particularly unpleasant. Despite Cllr Stango's assertions to the contrary an email with an attachment named "Mrs W's lies" was clear evidence of bullying conduct towards an employee.
4. The Panel also noted that although Mrs Stango criticised Mrs W for her performance of her role, there was no evidence that this had been an issue that had been raised with the Employee through any performance management framework.
5. To the Panel, Cllr Stango appeared to be trying to justify her own poor behaviour by being critical of the Clerk.
6. Even if Mrs W had been lacking in her performance (of which there was no evidence of) Cllr Stango could not use it as a justification to then bully and humiliate Mrs W.
7. In relation to Cllr Stango attending the Overstrand Parish Council meeting, the Panel found that this fell within the scope of the Code of Conduct.
8. The Panel felt that this was another example of bullying conduct by Cllr Stango towards Mrs W. Attending a meeting of another Council in order to specifically raise issues to "scupper" an appointment process was totally unacceptable.
9. It was clear from the minutes that Cllr Stango was ejected from the meeting and this was something that brought the reputation of Mundesley PC into disrepute.
10. The Panel also felt that there were other concerning issues. The Monitoring Officer confirmed that she had advised Mrs Stango about the content and circulation of her emails several times during the investigation process but Cllr Stango did not change the way that she communicated and criticised the Monitoring Officer for offering this advice.
11. The Panel also noted that Cllr Stango had secretly recorded telephone conversations with an officer from another Council, which was completely unacceptable in their view.
12. There were a number of current Mundesley Parish Councillors, who from the documents that Cllr Stango submitted appeared to believe that there was nothing wrong with Cllr Stango's behaviour. The Panel were concerned that this indicated that some of the conduct may not be simply an isolated issue with Cllr Stango.
13. Furthermore since the close of the hearing it has become evident from correspondence that Cllr Stango, or one of those persons attending the

	<p>hearing did not respect the confidentiality of the proceedings.</p> <p>14. The Panel are extremely disappointed to note this as firstly the information passed outside the hearing was inaccurate and secondly the proceedings were in private session as the hearing contained private and personal information.</p> <p>Consequently, the Panel finds that Cllr Stango DID FAIL to treat the employee with respect at the Part II meeting of the MPC on 21 March 2016, when she questioned the employee about her health and employment plans.</p> <p>The Panel finds that, Cllr Stango, through her conduct, WAS DISRESPECTFUL to the employee in that she undermined her and caused her embarrassment, in particular by sending undermining emails to other people and by her conduct at the Overstrand Parish Council on 19 April 2016.</p>
<p>DECISION</p>	<p>The Panel have considered what recommendations should be made to Mundesley Parish Council in respect of sanctions to be imposed;</p> <ol style="list-style-type: none"> 1. The Panel consider that the bullying behaviour is so serious and persistent that the Parish Council should reprimand Cllr Stango. 2. The Panel also considered that as Cllr Stango did not acknowledge that any of her behaviour fell short of the standards expected of an elected member that she should undergo training in ethics and standards. 3. The Panel felt that, as Cllr Stango was not able to demonstrate that she was able to demonstrate appropriate behaviour and that her behaviour had, and would continue to bring Mundesley PC into disrepute, that Cllr Stango should be removed from any Chairman or Vice Chairman position by the Council.

.....^{MEVANS}
Mrs M Evans
Panel Chair

.....²⁷.....July 2017

PLEASE NOTE THAT THERE IS NO PROVISION FOR APPEAL AGAINST THIS DECISION

NORTH NORFOLK DISTRICT COUNCIL

STANDARDS COMMITTEE HEARING PANEL

18 JULY 2017

DECISION NOTICE

PANEL MEMBERS	Mrs M Evans (co-opted Chair) Cllr B Hannah Cllr M Prior
SUBJECT MEMBER; Cllr Laura Stango (Mundesley Parish Council) Supported by Cllr Harding (Mundesley PC) and Mr Stango	COMPLAINANT; Cllr West (Mundesley PC) – not in attendance
Investigating Officer	Cara Jordan

PRELIMINARY	Cllr Stango raised the issue that Cllr West had “withdrawn” his complaint. The Monitoring Officer advised that Cllr West had requested that the complaint be withdrawn, but in the light of the nature of the complaint and other complaints in relation to the subject member and the wider governance of Mundesley parish Council that it was her view that the complaint needed to proceed to hearing.
ALLEGATIONS	In summary, it is alleged that Councillor Stango of Mundesley Parish Council breached the Code of Conduct in that she failed to declare an interest in Mundesley Ambulance First Responders at a Mundesley Parish Council meeting on 20 June 2016, where an award of a financial grant was discussed and a decision to award a grant to this body was made.
EVIDENCE HEARD	The Panel members; <ol style="list-style-type: none"> 1. Read the Investigator’s report and appendices. 2. Heard evidence from; Cllr Stango and Cllr Harding 3. Heard submissions from the Investigation Officer
INDEPENDENT PERSON ASSESSMENT (Mr A Oram)	These comments are based on the papers circulated to the Committee. <p>It appears undisputed that Councillor Stango is the secretary / treasurer of “Mundesley First Responders” and that her husband is a “First Responder”. There is no additional information in the report with regards the nature of these roles; I therefore assume the neither position results in the type of beneficial interest that might constitute a disclosable pecuniary interest (their respective roles with Mundesley First Responders result in no profit or gain). Had either Councillor Stango or her husband been in receipt of such a benefit then Councillor Stango’s participation at the meeting of 20 June 2016 would have been a much more serious breach of the Code.</p> <p>As it is, a member of course cannot automatically participate in a discussion or vote even if they do not have a DPI in the matter under consideration. An interest</p>

	<p>may still amount to a declarable interest, which is also subject to restrictions on member participation in discussions and voting.</p> <p>Having carefully considered the report I am of the view that a reasonable member of the public in possession of the relevant facts would consider that Councillor Stango's interest in the Mundesley First Responders was so significant it would be likely to prejudice her judgment of the public interest. I note that there appears to have been some confusion as to what the relevant agenda item related to at the outset of the meeting. While this may explain why Councillor Stango did not declare an interest when the Chairman invited members to declare any interests toward the start of the meeting, as soon as Councillor Stango became aware that the financial grant considerations related in part to the First Responders she should have declared her interest and not voted on the matter.</p> <p>Accordingly I can confirm that my view is line with the findings of the investigator's report; Councillor Stango failed to comply with the Parish Council's Code of Conduct at the meeting of 20 June 2016.</p>
FINDINGS	<p>The Panel made the following findings;</p> <ol style="list-style-type: none"> 1. Cllr Stango was aware of the grants process and had previously declared an interest when a grant had been awarded to the Mundesley First Responders. 2. A reasonable member of the public in possession of the facts would consider that Cllr Stango's interest and involvement in the Mundesley First Responders would be so significant as to prejudice her judgement of the public interest, in that that it would be reasonable to assume that Cllr Stango might prioritise the grant award to Mundesley First Responders over another grant application. 3. Cllr Stango's evidence was inconsistent, in that she said that she was not aware that the Mundesley First Responders application was on the agenda, and that is why she did not declare an interest. However Cllr Stango was the individual making and signing the grant application and she said that she was "surprised" when it didn't appear on the list of grant recipients at the agenda item. 4. Cllr Stango effectively placed the grant application on the agenda by removing a copy of the grant application that she had completed from her bag and insisting it was considered. 5. When the decision to make a grant award was not minuted Cllr Stango contacted the Clerk on this item and amended the minutes. This could be viewed as seeking to obtain an unfair advantage over one grant applicant over another. 6. Cllr Stango should have declared at interest either at the beginning of the agenda (as other members did) or when it became apparent that she wanted to discuss the Mundesley First Responders application. <p>Consequently Cllr Stango failed to comply with the Code of Conduct in that she failed to declare an interest in the application when considered by the Parish Council.</p>
DECISION	<p>The Panel have considered what recommendations should be made to Mundesley Parish Council in respect of sanctions to be imposed;</p>

The Panel felt that Cllr Stangos behaviour fell short of that required of someone holding public office, and were concerned that either she had a lack of awareness of the standards required under the Code or a disregard for them.

In the light of Cllr Stango already being before the Panel earlier in the day, the Panel were concerned about patterns of behaviour emerging in relation to the conduct of business at Mundesley PC.

The Panel had already recommended a reprimand, training and removal from positions of leadership in the Council in relation to a previous matter. The breach of the Code of Conduct underlined for the Panel, the need for the Parish Council to take these issues seriously and not be pressured into sweeping the issues under the carpet.

The Panel considered that the following sanctions and actions were appropriate;

1. Cllr Stango should be reprimanded by the Council for a breach of the Code of Conduct.
2. That the Chair of the Parish Council, Cllr Harding, be asked to provide evidence of steps the Parish Council are taking to embed good practice within the Parish Councils and to ensure that Members are aware of their obligations under the Code.

M Evans

.....
Mrs M Evans
Panel Chair

27/07/17
..... July 2017

PLEASE NOTE THAT THERE IS NO PROVISION FOR APPEAL AGAINST THIS DECISION

