

STANDARDS COMMITTEE

Minutes of a meeting of the Standards Committee held on 17 April 2018 in Meeting Room 3, Council Offices, Holt Road, Cromer at 2.00pm.

Members present:

District Members	Mr P Moore (Chair) Ms M Prior
Co-opted Members	Mr R Barr Mr A Bullen Mr H Gupta
Officers in attendance	The Monitoring Officer The Democratic Services Officer

15. TO RECEIVE APOLOGIES FOR ABSENCE

Apologies were received from Mr B Hannah Mrs G Perry-Warnes and Mr A Oram (Independent Person).

16. PUBLIC QUESTIONS

None.

17. MINUTES

The Minutes of the Meeting of the Standards Committee held on 07 November 2017 were approved as a correct record and signed by the Chairman.

18. ITEMS OF URGENT BUSINESS

None.

19. DECLARATIONS OF INTEREST

None.

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

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

21. MONITORING OFFICER'S ANNUAL REPORT 2017/18

The Monitoring Officer's Annual Report summarised the more important matters arising from the Monitoring Officer's work for the Council from 1 April 2017 to 31 March 2018 and commented on other current issues.

The Monitoring Officer was appointed under Section 5 of the Local Government and Housing Act 1989 and had a number of statutory functions in addition to those conferred under the Local Government Act 2000 and subsequent regulations governing local investigations into Member conduct. The functions of the Monitoring Officer included:

- a) Maintaining a lawful position for the Council and reporting on contraventions or likely contraventions of any enactment or rule of law including fraud: this included advising the Cabinet and assessing all proposals and reports going forward for lawfulness and attendance at Cabinet and Full Council. It also included responding to changes in the legal framework e.g. the introduction of the General Data Protection Regulations (GDPR) in May. Ms M Prior said that recent GDPR training for Members, delivered by the Employed Barrister, had been very helpful. In response to a question, the Monitoring Officer explained that, for ward work, Members would need to be registered for GDPR in their own right. The need for security would be reflected in IT provision.
- a) Report any findings of maladministration causing injustice where the Ombudsman had carried out an investigation: in the previous year there had been one finding of maladministration by the Ombudsman, concerning a housing complaint. It had been acted on to ensure that nothing similar occurred again.
- b) Establish and maintain the Register of Member's interests and gifts and hospitality: Members were reminded to keep this up to date. Members making a nil return were contacted. This usually happened at parish level and led to contact with 50 or 60 people per annum.
- c) Maintain Register of Employees gifts and hospitality: if a gift was valued above £25, it was donated to the Chairman's Charity.
- d) Investigate misconduct in respect of District, Parish and Town Councillors under the Code of Conduct: there had been 20 complaints from District and Parish Councils. The most common causes had been unclear governance and disrespect. In most cases no breach had been found but two cases involving Mundesley Parish Council had resulted in Hearings. Group Leaders at NNDC had been asked to ensure that their Members treated others with respect and there had been no cases referred for investigation,
- e) Investigate breaches of the Council's own protocols.
- f) Provide advice to Town and Parish Councils on the interpretation of the Code of Conduct: this had included some successful mediation work with some Parish Councils. However, in the case of Mundesley Parish Council, advice had been ignored.
- g) Promote and support high standards of conduct through support to the Standards Committee.
- h) Compensation for maladministration.
- i) Maintenance and review of the Constitution.
- j) Responsibility for complaints made under the Council's Whistleblowing and Anti-Fraud policies.
- k) Breaches of the Employee Code of Conduct: no breaches had been found. The Standards Committee had recently updated the Member/Officer Protocol.

- l) Advice on vices issues, maladministration, financial impropriety, probity and policy framework.
- m) Exemptions to contract standing orders.
- n) Actual or potential litigation or claims that would have a significant effect on the entity or a material impact on the financial statements: there had been nothing of significance.

The key messages to note were:

- a) The systems of internal control administered by the Monitoring Officer including compliance with the Council's Constitution were adequate and effective during the period for the purposes of the latest Regulations. However, it was important that Members and Officers were regularly reminded of their obligations and updated on any changes to ensure there was no complacency.
- b) The Constitution continued to be regularly updated.

Looking forward:

- a) During the current year the Council had changed control from a Conservative administration to no overall control. The Monitoring Officer and Democratic Services Manager had been working with officers and Members to reflect this change within the Council's Protocols and processes and this would continue. Initially there had been issues in relation to some Member conduct but this appeared to have stabilised recently.
- b) Further work with all Members was planned to embed good practice in respect of the Overview and Scrutiny Committee which should add to the robustness of the Council's governance processes.
- c) Training had been taking place on debating in the Chamber and more training for Members was planned during the course of the spring.
- d) Further implementation of the Information Risk Management Framework was planned.
- e) The Council would keep the Code of Corporate Governance under review, taking into account any revisions to associated guidance and any recommendations arising from audit reports.

Questions and Discussion

- a) In response to a question from Mr H Gupta, the Monitoring Officer explained that all complaints were dealt with against the assessment framework and referred to the Independent Person, who could be consulted by Members at any stage. The Independent Person system was working well. The number of complaints given in the report was the total number received. Often complaints related to unclear governance arrangements that weren't very serious. They were sieved out at assessment stage to avoid waste of the taxpayer's money. If a decision was taken not to proceed with the complaint no further action was taken. It was better to apply intervention at an early stage and to promote harmony and good Member behaviour.
- b) Mr A Bullen said that the Standards Committee no longer had a significant decision making role. It was explained that the Council was no longer obliged to have a Standards Committee and that the function could be contained within, for example,

the Governance, Risk and Audit Committee. This was something that could be given further consideration. Mr Bullen asked if there was still a role for Independent Members. The Monitoring Officer replied that they had a role in attending Committees and sitting in Hearings. It was possible to transfer the functions of the Standards Committee elsewhere but at present it was the choice of the Council to have a Committee.

- c) In response to a further question from Mr Bullen, the Monitoring Officer explained that Neighbourhood Plans were in the gift of Town and Parish Councils and, if passed, had a legal weighting. Governance arrangements of town and parish councils were not subject to NNDC or the Local Government Ombudsman.

RESOLVED

To receive the Monitoring Officer's Annual report 2017/18.

22. CONSULTATION ON ETHICAL STANDARDS

The report advised Members of the current review by the Committee on Standards in Public Life (CSPL) of local government ethical standards, and to seek the views of the Committee in relation to the consultation questions. The consultation was on current arrangements – what worked and didn't work. Members were asked to respond individually or as a Committee. The Independent Person had emailed his responses to the Monitoring Officer and these were reported to the Committee by the Monitoring Officer.

a) Current arrangements – what works and what doesn't work

- 1) The Independent Person believed that the Council was the best place to deal with conduct issues and that an independent committee was best for this role and should be mandatory. He considered that an independent appeals process was needed.
- 2) Members asked if there was there enough outside influence and if there should be more Independent Members on the Committee. Independent Members were involved because they were impartial when looking at complaints.
- 3) A concern was expressed that previously only Independent Members were permitted to chair the Standards Committee and that this had since changed.
- 4) The role of the Independent Person was statutory. He made recommendations, but the Monitoring Officer made the final decisions. There should, however, also be Independent Members on the Standards Committee.

b) What, if any, are the most significant gaps in the current ethical standards regime for local government?

The Independent Person's concerns included the following:

- Ability to impose meaningful sanctions.
- Lack of guidance.
- Lack of ability to impose decisions on town and parish councils.
- No appeal process for subject member.

c) And d) Codes of conduct

The Independent Person was concerned that local codes generally lacked clear, prescriptive instructions but that North Norfolk was one of the most proactive councils he had ever worked with in terms of promoting standards. There was a lack of consistency in codes of conduct throughout the country but he would support a national code if it was well-written.

e) Investigations and decisions on allegations

- 1) The Independent Person was concerned that less complaints were being properly investigated.
- 2) Conflicts of interest: the Monitoring Officer explained that the Independent Person was only consulted when a complaint was made and, if she had given advice on the case, it would be inappropriate for her to be involved in an assessment.

f) Sanctions

- 1) Sanctions applied by NNDC included censure, removal and training. Removal of IT access also worked well.
- 2) It was difficult for parishes when complaints were vexatious and over a long period of time.
- 3) In response to a question from Mr A Bullen, it was explained that District Members could only be appointed to a parish council if it became inquorate.

g) Declaring interests

- 1) The Independent Person considered that existing arrangements were very narrow and should include not only pecuniary interests, but interests in areas that might impact on friends and family, as well as well-being. Pecuniary interests must be declared but some Members were unsure about when to declare personal interests.
- 2) Town and parish councils:
 - Mr A Bullen suggested that there should be guidance for candidates for town and parish councils, to ensure that they stood for the right reason. Good councillors would set the standard of the council.
 - Parish councils were mostly co-opted but district councils always had an election.

k) And l) Intimidation of local councillors

Intimidation, especially via Social Media, was on the increase but no complaints of this nature had been made in North Norfolk.

The Monitoring Officer would make a collective response to the consultation and circulate it to Standards Committee Members.

RESOLVED

- 1. To issue a collective response to the consultation.**
- 2. The response to be formulated by the Monitoring Officer following discussion by the Committee.**

Reason for decision

Legal Implications - The Council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan principles. The current consultation exercise requires the Committee to consider the efficacy of that statutory duty. Any changes to the standards regime resulting from the current consultation may require legislative change.

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

Mundesley Parish Council: hearings had taken place in July 2017. The Committee had imposed sanctions and written to Mundesley Parish Council so that they could be implemented. No action had been taken and there had been some social media posts against the complainant. The Parish Council had since made contact to say they had done the relevant training. As far as NNDC was concerned, this was the end of the matter.

The next meeting of the Standards Committee was scheduled for 17th July 2018.

The meeting concluded at 15.45 pm

Chairman