

NORTH LINCOLNSHIRE COUNCIL

STANDARDS COMMITTEE

STANDARDS COMMITTEE - ANNUAL REPORT 2018/2019

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To consider the annual report of the Standards Committee under the Council's standards regime for the period 1 July 2018 to 30 June 2019.

2. BACKGROUND INFORMATION

- 2.1 This report attached (as appendix 1) is the seventh annual report of the Standards Committee under its standards regime and associated published Standards Arrangements following the Localism Act 2011. The report covers the period 1 July 2018 to 30 June 2019 and details the work and activities of the Standards Committee throughout that time.
- 2.2 The report is presented to the Standards Committee for discussion and to take any action the Committee deems necessary. Typically, the Committee requests that, upon approval, the Monitoring Officer provide a copy to all Town and Parish Councils in the area. The agreed report will also be submitted to Council in accordance with the requirements of the Council's Annual Governance Statement.
- 2.3 Following receipt of this report by Council, the Monitoring Officer will provide the annual training sessions to town and parish members using the report to inform the itinerary.

3. OPTIONS FOR CONSIDERATION

- 3.1 The Committee may wish to consider ongoing developments, current trends, and other methods to ensure that the local standards regime remains robust.

4. ANALYSIS OF OPTIONS

4.1 There are no recommended options, but members may wish to explore specific actions. Officers will be on hand to provide advice and guidance.

5. FINANCIAL AND OTHER RESOURCE IMPLICATIONS (e.g. LEGAL, HR, PROPERTY, IT, COMMUNICATIONS etc.)

5.1 The financial, practical and resource implications arising from supporting local standards arrangements are co-ordinated by the Monitoring Officer and his staff, and are overseen by the Standards Committee.

6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)

6.1 Allegations of potential criminal wrongdoing are passed to Humberside Police for consideration. A referral pathway has been in place for several years and has proven effective.

6.2 Equalities issues under the Equalities Act 2010 have been considered and are not thought to be relevant to consideration of this report. The standards regime remains open to all.

6.3 This report helps to promote the aims of the Council Plan by supporting the “enabling communities to flourish” priority. It also helps to strengthen the council’s ‘be open, trustworthy and honest’ and ‘maintain our high standards’ promises.

6.4 There are no environmental issues related to this report.

7. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

7.1 The completion of an Integrated Impact Assessment is not required.

8. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

8.1 The Standards Committee regularly responds to consultations on standards issues.

8.2 Regular contact is maintained with elected councillors and clerks of all Town and Parish Councils in North Lincolnshire, including through the annual provision of training.

8.3 There are no conflicts of interest identified.

9. RECOMMENDATIONS

- 9.1 That the Standards Committee consider the draft report, taking action as deemed appropriate.
- 9.2 That the Standards Committee consider requesting that the Monitoring Officer provide a copy of the approved report be forwarded to all Town and Parish Councils in the area.
- 9.3 That the Standards Committee request the Monitoring Officer to submit the approved annual report to Council for further discussion, in accordance with the requirements of the Council's Annual Governance Statement.

DIRECTOR OF GOVERNANCE & PARTNERSHIP

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Date: 13 June 2019

Background Papers used in the preparation of this report –

Published Standards Arrangements
Standards Committee – Annual Report 2017/18

NORTH LINCOLNSHIRE COUNCIL

STANDARDS COMMITTEE

ANNUAL REPORT

2018/19

This report represents the seventh annual report of the Standards Committee under the Council's Standards regime following the Localism Act 2011 and covers the period 1 July 2018 to 12 June 2019.

Membership

The Council determined that a Committee comprising seven elected members and one non-voting co-opted member should be established to oversee its Standards arrangements. In addition, both Independent Persons would be invited to attend each Committee. Accordingly, the following served on the Committee from May 2018 to the end of the municipal year 2019.

Councillor Neil Poole (Conservative) (Chairman)
Councillor John England (Conservative) (Vice – Chairman)
Councillor John Collinson (Labour)
Councillor Trevor Foster (Conservative)
Councillor David Wells (Conservative)
Councillor Susan Godfrey (Labour)
Councillor Christine O'Sullivan (Labour)
Mr Wayne Harvie (non-voting co-opted Member)

Role of Committee

The main role of the Standards Committee is to promote and maintain high standards of conduct, and to set an example to other bodies it works with and to the community at large. The Standards Committee promotes, educates and supports members in following the highest standards of conduct and ensuring that those standards are fully owned locally.

The role remains not just about enforcing the Code of Conduct, but also ensuring effective working relationships between both members and staff, and externally with the public and other stakeholders.

Under the Council's Standards Arrangements, the committee convened a number of sub-committees in the form of Assessment Panels to consider complaints, and Hearings Panels to determine complaints that have been investigated.

The Standards Arrangements also enabled the Council to retain responsibility for receiving and determining complaints against Town and Parish Council members.

Terms of Reference

- (a) Promoting and maintaining high standards of conduct by members and co-opted members as defined under section 27 of the Localism Act 2011 ('Act').
- (b) Assisting members and co-opted members to observe the Code of Conduct adopted by the Council pursuant to section 28 of the Act.
- (c) Advising the Council on the amendment or revision of the Code of Conduct and the appointment or removal of the Independent Person/s.
- (d) Monitoring the operation of the Code of Conduct and the 'Arrangements' and making appropriate revisions to the 'Arrangements' as considered necessary.
- (e) Advising, training or arranging to train members, co-opted members and Independent Person/s on matters relating to the Code of Conduct and the Arrangements.
- (f) Granting dispensations to members and co-opted members pursuant to the provisions of section 33 (b), (c) and (e) of the Act and on such other grounds as referred by the Monitoring Officer.
- (g) Dealing with any referrals as considered appropriate by the Monitoring Officer and to receive regular reports from the Monitoring Officer on the discharge of any delegations afforded to that position.
- (h) To consider any complaints relating to an alleged breach of the Code of Conduct in accordance with the 'Arrangements' and to convene, as appropriate, sub-committees ('Assessment Panels') to consider such matters.
- (i) To make determinations in respect of complaints that members and co-opted members of the Council and Parish and Town Councils in the area may have breached the Code of Conduct and to convene, as appropriate, sub-committees ('Hearings Panels') to consider such matters and to impose, or recommend the imposition of, the sanctions detailed in the 'Arrangements'.
- (j) To deal with the grant of exemptions from political restriction in respect of any post holder and give directions on any post to be included in the list of politically restricted posts maintained by the authority.

Code of Conduct

Under its Standards Arrangements, the Council had developed and adopted its own locally based Code of Conduct, which is compliant with the Nolan principles and had incorporated the statutory requirements concerning Disclosable Pecuniary Interests.

Although free to adopt their own Codes of Conduct, all of the Town and Parish Councils in the area had elected to adopt the Council's Code of Conduct, which was encouraging uniform and consistent application across the area.

Complaints

During the period covered by this report (1 July 2018 to 12 June 2019) 27 new complaints were received involving members, compared to 12 received in 2017/18, and 17 in 2016/17.

Of the above 27 complaints, 10 were considered by an Assessment Panel and four complaints were determined by the Monitoring Officer, following consultation with the Independent Person. Three of the complaints considered by an Assessment Panel were deferred in order to seek further information. Two complaints were withdrawn. Fourteen further complaints, including the three deferred complaints, were in the process of being assessed. It is anticipated that the great majority of the outstanding complaints will be resolved by the time this report is approved. There were no Hearings Panels in 2017/18.

Nineteen of the 27 complaints related to members of Parish Councils with the remaining eight complaints being made against members of North Lincolnshire Council. Six of the 27 complaints received related to members of a single Parish Council, with three complaints related to another.

Nine complaints related to more than one individual, whereas the remaining eighteen complaints received throughout 2017/18 related to an individual. Of the fourteen complaints considered by an Assessment Panel or the Monitoring Officer three were deferred, one requested that two councillors make formal apologies to the complainant, and ten decided that no further action be taken.

No complaints had been referred for external assessment or investigation.

The complaints related to a wide range of alleged breaches of the Code of Conduct usually including failure to treat with respect and courtesy; bullying or intimidation, disrepute, using their position as a member to improperly confer an advantage, compromising the impartiality of officers, and failure to declare interests.

Discussions are underway on how to address the notable increase in standards complaints throughout 2018/19 by promoting professional behaviour at each council, training and informal support for Chairs and clerks, and potentially strengthening safeguards against repeated or vexatious complaints.

Other Issues

Last year's annual report was, once again, provided to all Town and Parish Councils and was referred to in the associated Standards Arrangements and Code of Conduct training provided for clerks, newly elected/co-opted and other town and parish councillors at sessions provided by the Monitoring Officer on 27 November and 4

December 2018. Sessions were very well attended and received, and similar training will be provided towards the end of this year.

Throughout 2017/18, the Standards Committee considered a report arising from work undertaken by the Committee on Standards in Public Life on Local government Ethical Standards. This report made a number of recommendations to various bodies to improve standards, and also highlighted examples of good practice from across the country. The Standards Committee discussed a small number of potential changes to local arrangements and the Code of Conduct, particularly to address national concerns about bullying and harassment. Consequential changes to the Code of Conduct are to be reported to full Council in September 2019. The Committee also discussed the implications of the annual letter from the Local Government and Social Care Ombudsman.

The Monitoring Officer continued to meet regularly with the Monitoring Officer of North East Lincolnshire Council, and also the East Riding and Northern Lincolnshire Local Councils Association (ERNLLCA) and Mr J Goolden and Mr R Johnson (Independent Persons) to review existing practice and keep abreast of national and regional developments. In early 2019, Mr Goolden kindly hosted a comprehensive training session for council staff from across the Humber area on the Committee on Standards in Public Life's work and the above report. Mr Goolden retired from his position at the Annual General Meeting and arrangements are in hand for a successor to be appointed.

The Council also continues to be a member of the Standards Exchange; a specialist website set up by ex-Standards for England investigators as a platform to share good practice and keep updated on national standards related developments.

Will Bell
Monitoring Officer
June 2019