

NORTH LINCOLNSHIRE COUNCIL

STANDARDS COMMITTEE

ANNUAL REPORT

2021/22

This report represents the tenth annual report of the Standards Committee under the Council's Standards regime following the Localism Act 2011 and covers the period 1 July 2021 to 30 June 2022.

Membership

The Council determined that a Committee comprising five elected members and one non-voting co-opted member should be established to oversee its Standards arrangements. In addition, the three Independent Persons would be invited to attend each Committee. Accordingly, the following served on the Committee from May 2021 to the end of the municipal year 2022.

Councillor Neil Poole (Conservative) (Chairman)
Councillor John England (Conservative) (Vice-Chairman)
Councillor Mashook Ali (Labour)
Councillor Christine O'Sullivan (Labour)
Councillor David Wells (Conservative)
Sue Wroe (non-voting Co-opted Member) Position now deleted.

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 may convene sub-committees in the form of Assessment Panels to consider complaints, and Hearings Panels to determine complaints that have been investigated.

The Standards Arrangements enable the Council to retain responsibility for receiving and determining complaints against both North Lincolnshire Council members and 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 relevant 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 incorporates 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 assists in encouraging uniform and consistent application across the area.

Complaints

During the period covered by this report (1 July 2021 to 30 June 2022) 34 new complaints were received involving members, compared to 23 in 2020/2021, 8 in 2019/2020, and 29 in 2018/19. This was the highest number of complaints received in a 12 month period.

Of the above 34 complaints, 25 were assessed by an Assessment Panel and five complaints were determined by the Monitoring Officer, each following consultation with the Independent Person. Three complaints were in the process of being assessed, and one had been withdrawn. There were four Assessment Panel meetings and two Hearings Panel meetings in 2021/22.

Of the 34 complaints, 25 related to members of Town or Parish Councils, with the remaining nine complaints being made against members of North Lincolnshire Council.

Five town or parish councils were named in more than one complaint in 2021/22 (total of 15 complaints), with the remaining nine being related to various individual Town or Parish Councils. This meant that, encouragingly, 42 Town or Parish Councils were not involved in a standards complaint in 2021/22.

Six complaints related to more than one individual, whereas the remaining 28 complaints received throughout 2021/22 related to an individual.

Of the 31 complaints considered by an Assessment Panel in 2021/22, no further action was taken on 24 and seven were referred for investigation. Of the six complaints assessed by the Monitoring Officer in 2021/22, in consultation with the Independent Person, no further action was taken on three, a recommendation of mediation was made on two, and one was referred for investigation. (NB – some complaints assessed in 2021/22 were received in 2020/21)

The complaints related to a wide range of alleged breaches of the Code of Conduct 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.

The marked increase of complaints received in recent years has continued, with 34 complaints received, compared to 8 complaints received in 2019/20. The number of complaints in 2021/22 was the highest since the Standards Committee was established in 2012, and the number of complaints referred for investigation (eight in 2021/22) was also the highest ever.

Despite this, encouragingly, there have been no complaints in 2021/22 concerning a failure to declare Disclosable Pecuniary Interests that have required the Standards

Committee to formally refer to Humberside Police for investigation, although advice has been sought on a limited number of occasions.

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 a session provided by the Monitoring Officer on 29 March 2022.

The 29 March 2021 session was delivered online for the second time, with positive feedback. The session was recorded, with a link subsequently distributed to all town and parish clerks. As such, online sessions are likely to continue to be an option to be incorporated into the annual training programme in the future

Throughout 2021/22, the three Independent Persons (Mr Forbes, Mr Johnson, and Dr Harvie) and the statutory co-opted member (Ms Wroe) continued to contribute in an invaluable and constructive manner to the Committee's work, including the assessment and hearing of complaints. The appointments of the Independent Persons were recently re-approved by council at its Annual General Meeting. The co-opted member resigned in September 2021, and options for maintaining a co-opted member are currently under consideration by the Standards Committee.

Much of the Standards Committee's work throughout 2021/22 related to the new LGA Model Code of Conduct for Councillors. Further guidance was received from the LGA on the Code's application and Members considered amendments to the existing Code of Conduct and local arrangements in September 2021 and November 2021. These amendments were agreed by the Standards Committee on 10 November 2021, and their subsequent recommendation to Council was approved on 14 December 2021. The revised Code and Arrangements were subsequently sent to all town and parish councils.

The Standards Committee also agreed to extend the dispensation for elected members involved in the steel industry to enable them to continue to participate in discussions involving this critical industry to North Lincolnshire.

The Monitoring Officer continued to meet regularly with the Monitoring Officer of North East Lincolnshire Council, and hold discussions with the East Riding and Northern Lincolnshire Local Councils Association (ERNLLCA). Dialogue with the three Independent Persons continues, in order to review existing practice and keep abreast of national and regional developments.

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 2022