

NORTH LINCOLNSHIRE COUNCIL

STANDARDS COMMITTEE

ANNUAL REPORT

2020/10

This report represents the eighth annual report of the Standards Committee under the Council's Standards regime following the Localism Act 2011 and covers the period 1 July 2020 to 30 June 2021.

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, the three Independent Persons would be invited to attend each Committee. Accordingly, the following served on the Committee from May 2020 to the end of the municipal year 2021.

Councillor Neil Poole (Conservative) (Chairman)
Councillor John England (Conservative) (Vice – Chairman)
Councillor Sandra Bainbridge (Labour)
Councillor Christine O'Sullivan (Labour)
Councillor David Wells (Conservative)
Councillor Lorraine Yeadon (Labour)
Sue Wroe (non-voting co-opted Member)
One vacancy

Councillor Len Foster, Councillor David Robinson, and Councillor R Allcock also served on the Committee in 2020/21

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 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 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 2020 to 30 June 2021) 23 new complaints were received involving members, compared to 8 in 2019/2020, 29 in 2018/19, and 12 in 2017/18.

Of the above 23 complaints, 13 were assessed by an Assessment Panel and one complaint was determined by the Monitoring Officer, each following consultation with the Independent Person. Nine complaints were in the process of being assessed. There were 7 Assessment Panel meetings and two Hearings Panel meetings in 2020/21.

Sixteen of the 23 complaints related to members of Town or Parish Councils with the remaining 7 complaints being made against members of North Lincolnshire Council.

Five town or parish councils were named in more than one complaint in 2020/21 (total of 11 complaints), with the remaining five being related to various individual Town or Parish Councils.

Eight complaints related to more than one individual, whereas the remaining 15 complaints received throughout 2020/21 related to an individual.

Of the 13 complaints considered by an Assessment Panel in 2020/21, no further action was taken on 8 and 5 were referred for investigation. The one complaint assessed by the Monitoring Officer in 2020/21, in consultation with the Independent Person, took no further action.

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.

There has been a marked increase of complaints received in 2020/21, with 23 complaints received, compared to 8 complaints received in 2019/20. However, there were 29 complaints received in 2018/19, suggesting a complex pattern of causes of 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 4 March 2021.

The 4 March 2021 session was delivered online for the first time, with record attendance and universally positive feedback. The session was recorded, with a link subsequently distributed to all town and parish clerks. As such, online sessions are likely to be incorporated into the annual training programme.

Throughout 2020/21, 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 manner to the committee's standards work and the assessment and possible hearing of all complaints. These appointments were recently re-approved by council at its Annual General Meeting.

Much of the Standards Committee's work throughout 2020/21 related to the new LGA Model Code of Conduct for Councillors. The Committee responded comprehensively to the national consultation in July 2020 and has received a report on the Code following approval by the LGA in December 2020. Further guidance is awaited from the LGA on the Code's application and once this has been received a further report will be submitted to the Committee. It is understood that nationally take up of the new Code is relatively low, but this may change once the guidance is issued.

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 and the co-opted member 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
July 2021