

NORTHUMBERLAND COUNTY COUNCIL

STANDARDS COMMITTEE

At a meeting of the **Standards Committee** held in Committee Room 2, County Hall, Morpeth on Thursday, 25 October 2018 at 2.00pm.

PRESENT

Mr J. Jackson
(Independent Chair, in the Chair)

COUNTY COUNCILLORS

Armstrong, E.
Gallacher, B.

Swinburn, M.

PARISH COUNCILLORS

Tebbutt, A.

Wallace, A.

INDEPENDENT MEMBER

Common, J.

OFFICERS

Henry, L.
Bird, M.

Monitoring Officer
Senior Democratic Services
Officer

15. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dungworth, Homer, Murray, Rickerby and Webb.

16. MINUTES

RESOLVED that the minutes of the meeting of the Standards Committee held on Thursday, 26 April 2018, as circulated, be confirmed as a true record and signed by the Chair.

17. REPORTS OF THE MONITORING OFFICER

17.1 Appointment of Parish Council Representatives to Standards Committee

The report (enclosed with the official minutes as Appendix A) advised members of the vacancy for a town/parish council representative on the Standards Committee,

following the resignation of Councillor Bryn Owen, and sought confirmation of arrangements for filling the vacancy.

Members were advised that the vacancy had been advertised and two expressions of interest had been received. An appointments panel meeting needed to be arranged, which would then recommend a candidate to Council in January to fill the vacancy. Members confirmed that they were happy for the panel to consist of the three members who had comprised the previous panel: Councillors Dungworth and Homer, and Ms Common.

RESOLVED that

- (a) the position relating to the vacancy for a parish council representatives on the Standards Committee be noted;
- (b) an interview panel be established with delegated authority to make recommendations to Council regarding the appointment of such representatives; and
- (c) gratitude be expressed to former Councillor Bryn Owen for his contributions to the work of the committee.

17.2 R. (Harvey) v Ledbury Town Council - Potential Implications for Northumberland County Council

The report (attached to the official minutes as Appendix B) provided details about a recent High Court decision which set out how a council should handle a complaint against a councillor. The Monitoring Officer referred to the key details of the case: Councillor Harvey of Ledbury Town Council had been accused of bullying, intimidating and harassing staff. Ledbury Town Council however then dealt with the matter through their own grievance procedure rather than through the Code of Conduct process, and Councillor Ledbury referred herself to the Monitoring Officer of Herefordshire County Council. Councillor Harvey initiated judicial review proceedings against Ledbury Town Council, and the judge in the case then found in support of Councillor Harvey on all three grounds that she had raised.

Such cases were thus ethical framework rather than employment matters. Discussions had taken place with the Northumberland Association of Local Councils (NLAC) about the implications, for which their Chief Officer had issued some guidance (attached Appendix B with the official minutes). The case could also raise issues for the ongoing national review of the ethical framework. The only sanction available for member complaints was censure, and it did curtail the ability for councils to undertake their own action.

Discussion followed of which the key points from members included:

- the case raised a number of issues for each principal authority and Monitoring Officer, as the councillor had self referred once she was unsatisfied with Ledbury Town Council's handling of the situation. Furthermore, it raised issues for member/officer relations; if a complaint did not either breach or require action to be taken under the Code of Conduct, how would an officer get justice if they felt they had been mistreated by a member?

- concern was expressed about the current standards regime's weak ability to issue sanctions
- it was unlikely that the Ledbury situation could happen in Northumberland, where the Monitoring Officer and Chief NALC Officer were in regular contact and knew the correct procedural routes; the relevant clerk would be guided down the appropriate route
- it would be helpful if every member of each town/parish council was aware of the Code of Conduct process and the correct routes to take such matters. This information should be conveyed during induction processes and also highlighted when any member was co-opted
- a protocol on both a local and regional/national level to explain member/ officer relations would be helpful so both were aware of their duties and responsibilities. The majority of Northumberland's 1200+ town/parish councillors did not have to contest elections, so information should be provided for both them and clerks, perhaps cascaded down from the Society of Local Council Clerks and NALC
- might it be possible to amend Code of Conduct wording so that when members signed, they also committed to keeping up to date with legislation and requirements regarding standards requirements?
- town/parish clerks should follow up arrangements for new members signing the Code of Conduct, as they were the paid employees
- Standards Committees could also refer in live standards cases to whether the member/s in question had signed relevant the Code of Conduct
- further training should be provided for town/parish councils to cover these requirements.

Further points of clarification were provided by the Monitoring Officer:

- if a member bullied a clerk, it would be a Code of Conduct issue. However it would be an internal matter, such as a disciplinary route/process, for a town/parish council if a clerk tried to bully a member
- little guidance existed on what to do if clerks were concerned about members' behaviour which did not however meet the threshold for Code of Conduct action, however town/parish councils had a duty of care for protecting their employees
- work could take place with the Chief Officer of NALC about producing guidance for members and officers
- there had previously been a model Code of Conduct, but the Localism Act 2011 enabled town/parish councils to adopt their own.

RESOLVED that the committee's comments and suggestions about the potential implications of the decision for the Standards Committee and Monitoring Officer in the operation of the ethical framework under the Localism Act 2011 be raised by the Monitoring Officer with the NALC Chief Officer.

17.3 Committee on Standards in Public Life – Review of Ethical Framework

The Monitoring Officer explained that the Committee on Standards in Public Life was expected to report on its findings in early 2019. Any changes would however need legislation, probably beginning with a report making recommendations to the Secretary of State, so no changes would be in place by the

time of this committee's next meeting.

RESOLVED that the update be noted.

17.4 Code of Conduct Complaints – Progress Report

Members received a report (copy attached to the official minutes of the meeting) on the progress with complaints received by the authority under the arrangements for dealing with standards allegations under the Localism Act 2011.

The Monitoring Officer advised that a number of cases were pending. In one case the Ombudsman had highlighted that there had not been a separate note included about the Independent Person's views, despite the practice being that the Monitoring Officer consulted the Independent Person and details of their discussion were included in the report. It would be helpful to know how such information was recorded by other local authorities.

Members were advised that the report specified whether people were either town/parish councillors or county councillors, and also whether any were both. 13 complaints had been received so far during 2018/19, and two investigations that had begun in May were ongoing. The investigating officer was awaiting further information from the complainant in one case; if the complainant did not respond to such requests, the investigation would be closed.

RESOLVED that the report be noted.

18. DATE OF NEXT MEETING

It was noted that the next meeting would take place on Thursday, 17 January 2019 at 2.00pm in Committee Room 2, County Hall, Morpeth.

CHAIR _____

DATE _____