

# Public Document Pack



## Northumberland County Council

**Your ref:**

**Our ref:**

**Enquiries to:** Lesley Bennett

**Email:** Lesley.Bennett@northumberland.gov.uk

**Tel direct:** 01670 622613

**Date:** 4 July 2022

Dear Sir or Madam,

Your attendance is requested at a meeting of the **STANDARDS COMMITTEE** to be held in **CONFERENCE ROOM 2, COUNTY HALL, MORPETH** on **THURSDAY, 14 JULY 2022** at **2.00 PM**.

Yours faithfully

Daljit Lally  
Chief Executive

**To Standards Committee members as follows:-**

**J Jackson (Chair), S Bridgett, T Cessford, L Dunn, B Flux (Vice-Chair), L Grimshaw, J Reid, G Stewart, D Towns and R Wilczek**

Any member of the press or public may view the proceedings of this meeting live on our YouTube channel at <https://www.youtube.com/NorthumberlandTV>. Members of the press and public may tweet, blog etc during the live broadcast as they would be able to during a regular Committee meeting.



**Daljit Lally, Chief Executive**  
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## AGENDA

### PART I

It is expected that the matters included in this part of the agenda will be dealt with in public.

1. **APOLOGIES FOR ABSENCE**
2. **MEMBERSHIP AND TERMS OF REFERENCE**

**Members: 9 Councillors (4:3:1 Ind Gp, 1 LD)**

**3 Parish Council representatives** (Only one member of the Committee can be a member of the Cabinet).

**Independent Person – Mrs K. Milner**

**Quorum - 4**

**Chair: Mr J. Jackson**

**Vice Chair: B. Flux**

<b>Conservative</b>	<b>Labour</b>	<b>Independent Group</b>	<b>Liberal Democrats</b>	<b>Green Party</b>	<b>Ind Non-Grouped</b>
T. Cessford	L. Dunn	S. Bridgett	J. Reid		
B. Flux	L. Grimshaw				
G. Stewart	R. Wilczek				
D. Towns					

#### **Terms of Reference**

- (1) Promoting and maintaining high standards of conduct by councillors, town and parish councillors, co-opted members and church and parent governor representatives.
- (2) Assisting the councillors, town and parish councillors, co-opted members and church and parent governor representatives to observe the Members' Code of Conduct.
- (3) Advising the Council on the adoption or revision of the Members' Code of Conduct.
- (4) Monitoring the operation of the Members' Code of Conduct.
- (5) Advising, training or arranging to train councillors, town and parish councillors, co-opted members and church and parent governor representatives on matters relating to the Members' Code of Conduct.

- (6) Granting dispensations to councillors, co-opted members, church and parent governor representatives from requirements relating to Disclosable Pecuniary Interests set out in the Members' Code of Conduct.
- (7) Assessing and reviewing complaints about councillors and conducting determinations' hearings.
- (8) Granting exemptions for politically restricted posts.
- (9) Such other roles as may be given by the Council.

### **3. DISCLOSURES OF INTEREST**

Unless already entered in the Council's Register of Members' interests, members are required where a matter arises at a meeting;

- a. Which directly relates to Disclosable Pecuniary Interest ('DPI') as set out in Appendix B, Table 1 of the Code of Conduct, to disclose the interest, not participate in any discussion or vote and not to remain in room. Where members have a DPI or if the matter concerns an executive function and is being considered by a Cabinet Member with a DPI they must notify the Monitoring Officer and arrange for somebody else to deal with the matter.
- b. Which directly relates to the financial interest or well being of a Other Registrable Interest as set out in Appendix B, Table 2 of the Code of Conduct to disclose the interest and only speak on the matter if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain the room.
- c. Which directly relates to their financial interest or well-being (and is not DPI) or the financial well being of a relative or close associate, to declare the interest and members may only speak on the matter if members of the public are also allowed to speak. Otherwise, the member must not take part in discussion or vote on the matter and must leave the room.
- d. Which affects the financial well-being of the member, a relative or close associate or a body included under the Other Registrable Interests column in Table 2, to disclose the interest and apply the test set out at paragraph 9 of Appendix B before deciding whether they may remain in the meeting.
- e. Where Members have or a Cabinet Member has an Other Registerable Interest or Non Registerable Interest in a matter being considered in exercise of their executive function, they must notify the Monitoring Officer and arrange for somebody else to deal with it.

NB Any member needing clarification must contact monitoringofficer@northumberland.gov.uk. Members are referred to the Code of Conduct which contains the matters above in full. Please refer to the guidance on disclosures at the rear of this agenda letter

- 4. MINUTES OF PREVIOUS MEETING** (Pages 1 - 6)
- Minutes of the meeting of the 10 February 2022, as circulated, to be confirmed as a true record, and signed by the Chairman.
- 5. APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES AND ADDITIONAL INDEPENDENT PERSONS TO STANDARDS COMMITTEE - NOTE OF CHANGE IN INTERVIEW PANEL** (Pages 7 - 10)
- To request ratification of the appointment of Cllr Dunn to the interview panel with regard to the appointment of the three Parish Council representatives to the Standards Committee and the appointment of additional Independent Persons.
- 6. PRELIMINARY HEARING** (Pages 11 - 16)
- The purpose of the report is to place before the Standards Committee a preliminary issue in relation to 3 Code of Conduct complaints. This issue is a matter for the Committee to determine.
- 7. CODE OF CONDUCT COMPLAINTS - PROGRESS REPORT** (Pages 17 - 24)
- To receive a report on the progress with complaints received by the authority under the new arrangements adopted by the authority for dealing with standards allegations under the Localism Act 2011.
- 8. URGENT BUSINESS (IF ANY)**
- To consider such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.
- 9. DATE OF NEXT MEETING**
- The next meeting is scheduled to be held on Thursday, 13 October 2022 at 2.00 p.m. at County Hall, Morpeth.

**IF YOU HAVE AN INTEREST AT THIS MEETING, PLEASE:**

- Declare it and give details of its nature before the matter is discussed or as soon as it becomes apparent to you.
- Complete this sheet and pass it to the Democratic Services Officer.

<b>Name:</b>		<b>Date of meeting:</b>	
<b>Meeting:</b>			
<b>Item to which your interest relates:</b>			
<b>Nature of Interest i.e. either disclosable pecuniary interest (as defined by Table 1 of Appendix B to the Code of Conduct, Other Registerable Interest or Non-Registerable Interest (as defined by Appendix B to Code of Conduct) (please give details):</b>			
<b>Are you intending to withdraw from the meeting?</b>		Yes - <input type="checkbox"/>	No - <input type="checkbox"/>

## Registering Interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

**"Disclosable Pecuniary Interest"** means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

**"Partner"** means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

### Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest.

Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.

5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

### Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

## Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
  
8. Where a matter arises at a meeting which **affects** –
  - a. your own financial interest or well-being;
  - b. a financial interest or well-being of a relative or close associate; or
  - c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied
  
9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:
  - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
  - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Where you have an Other Registrable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

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## NORTHUMBERLAND COUNTY COUNCIL

### STANDARDS COMMITTEE

At a meeting of the **Standards Committee** held in the Meeting Space, Block 1, Floor 2, County Hall, Morpeth on Thursday, 10 February 2022 at 2.00 pm.

#### PRESENT

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

#### COUNTY COUNCILLORS

Cessford, T.  
Dunn, L.  
Flux, B.  
Grimshaw, L.

Seymour, C.  
Stewart, G.  
Towns, D.

#### ALSO IN ATTENDANCE

Milner, K.

Independent Person

#### OFFICERS

Bennett, Mrs L.M.  
Binjal, S.  
Denyer, L.  
Masson, N.

Senior Democratic Services Officer  
Monitoring Officer  
Deputy Monitoring Officer  
Deputy Monitoring Officer

#### 9. APOLOGIES FOR ABSENCE

Apologies were received from Councillors S. Bridgett and A. Wallace.

#### 10. MINUTES

**RESOLVED** that the minutes of the meeting of the Standards Committee held on Thursday, 14 October 2021, as circulated, be confirmed as a true record and signed by the Chair.

#### REPORT OF THE MONITORING OFFICER

#### 11. APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES TO STANDARDS COMMITTEE

Members were informed of the progress made with regard to the

appointment of the three Parish Council representatives to the Standards Committee. It was reported that, following two rounds of advertisements through the Northumberland Association of Local Councils, only two applications were received within the timeframe. A third application was received outside the required timeframe.

Members agreed to accept the third application and move ahead with the interview process to avoid any further delays. The Panel agreed at the previous meeting comprised of the Chairman, and Councillors B. Flux and A. Wallace.

**RESOLVED** that

- (1) the position thus far be noted with regard to the appointment process relating to the vacancies for the three Parish Council representatives to the Standards Committee.
- (2) the application from the third applicant be accepted even though it was submitted out of time.
- (3) the three applicants be interviewed.
- (4) If any applicant withdraws from the interview process, the position is further advertised and any applicants are interviewed.

**12. APPOINTMENT OF ADDITIONAL INDEPENDENT PERSONS**

Members were asked to consider the proposed process for the appointment under the Localism Act of two further Independent Persons as delegated to the Standards Committee by Council.

It was reported that many other Local Authorities had more than one Independent Person and because of the size of the Local Authority and number of cases, it was proposed that Northumberland should appoint a further two Independent Persons. It was noted that some amendments were required to the application pack.

Applicants would be interviewed by a Panel set up by the Standards Committee and it was suggested that the same Panel as for the Parish/Town Council representatives be used. It was clarified that the Monitoring Officer would be present but only in an advisory role. The recommendation of the interview panel would be reported to the Council meeting for approval.

Following the January Council Meeting, Councillors G. Hill and S. Dickinson had requested sight of the application pack and had provided comments which were circulated to Members at the meeting.

**RESOLVED** that

- (1) the application pack be amended and approved.
- (2) the composition of the Interview Panel be agreed as follows:-

Chairman of Standards Committee, Councillors B. Flux and A. Wallace

### **13. MODEL CODE OF CONDUCT**

Members were updated with regard to the new Model Code of Conduct prepared by the Local Government Association and to present to the Standards Committee a new draft Code for its consideration.

In response to queries raised, the following comments were made:-

- The LGA produced guidance on social media and also how Members could deal with it if issues were directed at them. The Code of Conduct could contain a hyperlink to this guidance. It was planned to include as many hyperlinks to relevant information as possible to the Code of Conduct. Bullying behaviour or misinformation whether directed at an individual or a group was covered in various parts of the Code. The Chair would work with the Monitoring Officer's Team to provide additional guidance on the use of social media.
- Bullying behaviour was inappropriate regardless of where it happened and was not limited only to social media channels.
- Regarding disclosures of pecuniary interests, it was necessary for Members to declare their land and property, however, some details may not be published on the Council's website. A hard copy containing all such information was maintained by the Council by law.
- As the Code of Conduct was linked to the Council's Constitution, any changes must also be considered by the Constitution Working Group prior to final approval by Full Council.
- Further work on social media issues could be added to the proposed Work Plan.
- The Model Code of Conduct and guidance had more information and examples of particular types of behaviour than in the previous version.
- It was important to strike a balance between what was put in the Code of Conduct and the addition of extra information and this guidance should be alongside the Code rather than part of the Code.
- The Code of Conduct was a document that would be constantly under review. In the future, suggestions for improvements could be considered and included in the Committee's future plan of work.

**RESOLVED** that the Committee recommend the adoption of the draft Code as amended and attached to the report in full, and that it be submitted to the

Constitution Working Group prior to being submitted to Full Council for approval.

#### **14. CODE OF CONDUCT COMPLAINTS – PROGRESS REPORT**

Members received a report on the progress with complaints received by the authority under the arrangements adopted by the authority for dealing with standards allegations under the Localism Act 2011. An updated report was circulated at the meeting for Members' information.

**RESOLVED** that the report be noted.

#### **15. CODE OF CONDUCT HEARING PROCEDURE**

Members were informed of the updated hearing procedure to be followed to assist with forthcoming hearings into Member Code of Conduct investigations. There were very few major differences with the existing code adopted in 2016.

Neil Masson, Deputy Monitoring Officer, highlighted the main areas of the procedure for Members' information. The major changes were concentrated in the initial stages to try to streamline the process as much as possible.

**RESOLVED** that the updated Hearing Procedure be noted.

#### **16. FUTURE PLAN OF WORK**

Members discussed a future plan of work for the Standards Committee. The following areas were highlighted:-

- Investigation procedure – certain aspects would benefit from review and in relation to the type of information provided to the Standards Committee.
- Ongoing review of the Code of Conduct including social media issues.

Members were asked to pass any suggestions directly the Chair.

**RESOLVED** that the items for inclusion in the future plan of work be noted.

#### **17. INVESTIGATION INTO A CODE OF CONDUCT COMPLAINT – COUNCILLOR JOHN RIDDLE**

Members were informed of the conclusions within a report of the Investigating Officer into a Members Code of Conduct complaint and the subsequent disposal of that complaint.

The allegations made against Councillor Riddle were outlined in the report along with the findings of the Investigating Officer. Under the procedure, the Monitoring Officer was satisfied with the investigation, and it had been agreed that no further action be taken.

**RESOLVED** that the contents and information provided in the report be noted.

**18. INVESTIGATION INTO A CODE OF CONDUCT COMPLAINT –  
COUNCILLOR RICHARD WEARMOUTH**

Members were informed of the conclusions within a report of the Investigating Officer into a Members Code of Conduct complaint and the subsequent disposal of that complaint.

The allegations made against Councillor Wearmouth were outlined in the report along with the findings of the Investigating Officer. Under the procedure, the Monitoring Officer was satisfied with the investigation, and it had been agreed that no further action be taken.

**RESOLVED** that the contents and information provided in the report be noted.

**19. DATE OF NEXT MEETING**

The next meeting will be held on a date to be confirmed.

**20. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that

- (a) under Section 100A (4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the Agenda as it involves the likely disclosure of exempt information as defined in Part I of Schedule 12A of the 1972 Act, and
- (b) the public interest in maintaining the exemption outweighs the public interest in disclosure for the following reasons:-

**Agenda Item**

15 Paragraph 1 of Part 1 of Schedule 12A  
Information relating to any individual.

Paragraph 2 of Part 1 of Schedule 12A  
Information likely to reveal the identity of an individual.

Disclosure of this information would prejudice the interests of  
individuals at little benefit to the general public.

**21. INVESTIGATION REPORT AND APPENDICIES – COUNCILLOR JOHN  
RIDDLE and COUNCILLOR RICHARD WEARMOUTH**

Members received the investigation reports relating to the investigation into  
alleged breaches of the Members’ Code of Conduct by Councillor John Riddell  
and Councillor Richard Wearmouth for information.

Members discussed whether Hearings, generally, should be heard in public or  
private, publishing investigation reports online, and the provision of confidential  
papers to Members.

It was noted that the Standards Committee had agreed, some years ago, that  
Hearings should be held in public unless it would involve the disclosure of  
exempt information.

**RESOLVED** that the reports be noted.

**CHAIR**.....

**DATE**.....



## Northumberland County Council

### STANDARDS COMMITTEE

14<sup>th</sup> JULY 2022

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#### APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES TO STANDARDS COMMITTEE AND APPOINTMENT OF ADDITIONAL INDEPENDENT PERSONS - NOTE OF CHANGE IN INTERVIEW PANEL

#### REPORT OF THE MONITORING OFFICER

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##### Purpose of report

To ask Members to ratify the appointment of Cllr Dunn to the interview panel with regard to the appointment of the three Parish Council representatives to the Standards Committee and the appointment of additional Independent Persons.

##### Recommendations:

**It is recommended that Members;**

- (1) Ratify the appointment of Cllr Dunn to the interview panel with regard to the appointment of the three Parish Council representatives to the Standards Committee.
- (2) Ratify the appointment of Cllr Dunn to the interview panel with regard to the appointment of the additional Independent Persons

##### Link to Corporate Plan

This report is relevant to the 'How' Priority – namely 'We want to be efficient, open and work for everyone'

##### Key issues

1. There is a need to appoint Parish Council representatives to the Standards Committee following vacancies arising after the last election.
2. Members previously resolved that an interview panel be set up with delegated authority to make recommendations to Council regarding the appointment of such

representatives. It was agreed Mr. J. Jackson, Councillors B. Flux and A. Wallace would form the interview panel.

3. On 10<sup>th</sup> February 2022, members resolved to approve the interview pack for the recruitment of additional Independent Persons and agreed the interview panel as the Chair of Standards and Cllrs Flux and Wallace.
4. Since this date, owing to changes in political proportionality, Cllr Wallace is no longer a member of Standards Committee. In consultation with the chair, Mr Joe Jackson, it was proposed to members of Standards Committee that Cllr Dunn replaces Cllr Wallace and this has been agreed via email by Members and Members are asked to formally ratify that appointment today in relation to both interview panels.

### **Background**

1. The current composition of this Committee provides for three Parish Council representatives to be appointed. Following the resignation of the previous Parish Council representatives towards the end of the term of the last Council, expressions of interest were invited from serving Parish and Town Councillors to join the Committee through the offices of Northumberland Association of Local Councils.
2. At the meeting of Standards Committee on the 14<sup>th</sup> October 2021 members resolved to form an interview panel consisting of the Chair of the Committee, Mr. J Jackson, and Councillors Flux and Wallace.
3. Three applications have been received and interviews are arranged for 14<sup>th</sup> September 2022.
4. At the meeting of Full Council on the 5<sup>th</sup> January 2022 it was resolved that the Council should seek to appoint two additional Independent Persons and that their appointment be delegated to the Standards Committee. The Standards Committee on the 10<sup>th</sup> February 2022 then resolved to agree an interview pack and form an interview panel with the same composition as that of the interview panel for Parish Council representatives.
5. Owing to changes in political proportionality on this Committee, Cllr Wallace who was part of the interview panel is no longer a member of Standards Committee. In consultation with the Chair, Mr. Jackson, it was proposed that Cllr Dunn replace Cllr Wallace on the interview panel. This has been agreed by Members via email and Standards Committee is asked to ratify the appointment of Cllr Dunn.



## Implications

<b>Policy</b>	N/A
<b>Finance and value for money</b>	None significant
<b>Legal</b>	These are set out in the body of the report
<b>Procurement</b>	N/A
<b>Human Resources</b>	N/A
<b>Property</b>	N/A
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	N/A
<b>Risk Assessment</b>	N/A
<b>Crime &amp; Disorder</b>	N/A
<b>Customer Consideration</b>	The appointment of Parish Council representatives will give customers, and in particular, members of local councils, an assurance in relation to the operation of the ethical standards regime
<b>Carbon reduction</b>	N/A
<b>Wards</b>	All divisions

### Background papers:

Council constitution  
Report to Standards Committee of 10<sup>th</sup> February 2022

**Report sign off.**

	Full Name of Officer
Monitoring Officer/Legal	
Executive Director of Finance & S151 Officer	
Relevant Executive Director	
Chief Executive	
Portfolio Holder(s)	

**Author and Contact Details**

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## Northumberland County Council

### **STANDARDS COMMITTEE 14<sup>TH</sup> JULY 2022**

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#### **Preliminary Hearing**

#### **Report of Mark Heath, VWV Solicitors on behalf of the Council's Monitoring Officer**

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#### **Purpose of report**

The purpose of the report is to place before the Standards Committee a preliminary issue in relation to 3 Code of Conduct complaints. This issue is a matter for the Committee to determine.

#### **Recommendations**

- 1. To determine whether or not the process in relation to the 3 complaints should proceed:**
- 2. If the committee decides that they should proceed, to set a date for a full preliminary hearing.**

#### **Link to Corporate Plan**

This report is relevant to the 'How' Priority – namely 'We want to be efficient, open and work for everyone' included in the NCC Corporate Plan 2021 –2024.

#### **Key issues**

1. There are 3 complaints under the Council's Code of Conduct that have been investigated and are now progressing to a local hearing.
2. In the light of the S114 Local Government Finance Act 1998 Report by the Chief Financial Officer (CFO) and the report from Max Caller CBE (the Caller Report), both considered at the Extraordinary Meeting of the Full Council on 8<sup>th</sup> June 2022, there is an issue about whether or not these complaints should continue to a local hearing or not.
3. Normally such a decision would be made by the Monitoring Officer but in view of the nature of the complaints and the context as set out below, the Monitoring Officer (Mark Heath of VWV acting for the Monitoring Officer) has decided to refer the decision to the Committee for decision.
4. Should the Committee decide to proceed, the next step will be a full preliminary hearing to decide those matters that need determination before the local hearing itself can be held.

5. If the Committee decides not to proceed, the proceedings in respect of the three complaints end.

## **Background**

1. Members of the Committee will be more than familiar with both the recent report from the CFO under S114 Local Government Finance Act 1988 and the Caller Report.
2. The S114 report from the Chief Financial Officer referred to unlawful expenditure and recommended a full, independent investigation be carried out into the unlawful expenditure which was unanimously agreed by Councillors at Full Council on 8<sup>th</sup> June 2022.
3. The Caller Report which was also presented to Full Council on 8<sup>th</sup> June 2022 makes two particular references to Code of Conduct matters.

*The review team noted some thirty conduct complaints, with only two from the public. The majority are between officers and Members and also Member to Member. This is not the prime purpose of the standards process, originally designed for the public to use. Due to these investigations, many senior officers and senior Members have been deemed to be compromised and are unable to communicate with each other on a day-to-day basis. This includes senior officers and elected Members, which has further hampered the effective running of the organisation. It is the opinion of the review team that there is an inappropriate use of the conduct complaint process by senior officers against Members, despite elements of some complaints made by officers against Members being upheld. (para 6.5)*

*There is excessive use of allegations of bullying, code of conduct breaches and misuse of SARs and FOIs by Members to other Members and also by officers. This has occurred to such an extent that it has prevented reasonable discussion between senior officers and Members of some issues. 'it's got to a stage where you are afraid to say anything you might disagree with for fear of a conduct complaint being made...' It has also commanded excessive resource to undertake investigations, produce reports and resolve (para 7.11)*

4. The papers for the meeting on 8<sup>th</sup> June 2022 contain both sets of documentation and can be accessed here:  
<https://northumberland.moderngov.co.uk/ielistdocuments.aspx?CId=346&MId=2042>
5. The Council is required to adopt arrangements under the Localism Act 2011 that lays out the process for dealing with complaints. They can be found on the Council's website at:  
<https://www.northumberland.gov.uk/Councillors/Councillors.aspx#complaintaboutanelectedmember>
6. Para 7.2 of that says (omitting those parts deleted and adding my emphasis):  
*If the Monitoring Officer considers that local resolution is not appropriate, or cannot be achieved, in his opinion, to a satisfactory degree then the Monitoring Officer will report the Investigating Officer's report to the Standards Committee which will*

*conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member. **Notwithstanding any of the above the Monitoring Officer will have discretion, following consultation with the Chair of the Standards Committee, not to refer a matter for local hearing if he is of the opinion that the nature of the failure to comply with the Code of Conduct does not justify the cost and time involved in a local hearing or for other reasons particular to the complaint***

7. The Monitoring Officer has instructed Mark Heath of VWV, a firm of Solicitors to undertake her role in relation to managing the process regarding these 3 complaints.
8. He has considered para 7.2 in the context of the S114 and Caller reports and decided that this issue should be decided by the Standards Committee rather than himself on behalf of / in the name of the Monitoring Officer. It is clear that there are great sensitivities and public interest around these matters and given that, together with the recent history at the Council, he has decided that this is a matter for the Committee to decide rather than an Officer/himself.
9. It is not necessary for the Committee to know the details of the complaints or the identity of the complainants and subject-Members (although they have been advised of this meeting and the matter to be considered and may therefore choose to attend the meeting). The issue before the Committee does not turn on the merits or otherwise of the complaints. Indeed, should the matter proceed to a full hearing Members should not at this point be aware of the merits of the complaints themselves or they may be unable to hear the matter. During the course of discussion Members should not be drawn into the merits at this stage.
10. This issue arises by virtue of the recent history of the Council and the S114 and Caller Reports. What is relevant from those matters includes the following:
  - a. These complaints are from senior Officers against Members (1 includes a councillor as a co-complainant).
  - b. The S114 and Caller Reports are matters of public record. The comments in the Caller Report relating to such matters are relevant and germane to the decision. The Caller Report makes particular reference to issues around the Code of Conduct matters "live" within the Council and what he describes as the:  
*inappropriate use of the conduct complaint process by senior officers against Members, despite elements of some complaints being upheld*
  - c. The Caller report also describes NCC as an organisation where there is a culture of mistrust and that its corrosive and pervasive effect were clear. Para 7.11 (see above) is part of the section of the Caller Report which looked at senior Officer/senior Member relationships, which were described as a vacuum. Organisational leadership it also said has deteriorated and is now at a low level. The focus needs to move away from internal battles and the Authority needs to refocus on what it means to be a best value Authority. Part of that includes reviewing the Codes and protocols which regulate Officer / Member behaviours

and relationships and ceasing the current resource hungry inappropriate use of the Code of Conduct by senior Officers.

- d. There are currently a total of 42 current live Code of Conduct complaints of which 4 are from members of the public. Where members of the public are the complainant, these are all in relation to Town and Parish Councils and of the 19 County Complaints, none are from members of the public and all are either senior Officers against Member or Member against Member. The Caller review team specially asked for information as to Officer-Member complaints and Member-Member complaints for the period spanning 3 years preceding the review period and the following information was provided to them on 7<sup>th</sup> April 2022.

<b>Year</b>	<b>No of complaints</b>
2019	<ul style="list-style-type: none"> <li>• 2 complaints by Parish Councillors against Parish Councillors.</li> </ul>
2020	<ul style="list-style-type: none"> <li>• 8 complaints by Officers against County Councillors</li> <li>• 1 complaint by an Officer against a Parish councillor</li> <li>• 4 complaints by County Councillors against County Councillors</li> <li>• 5 Complaints by Parish Councillors against Parish Councillors.</li> </ul>
2021	<ul style="list-style-type: none"> <li>• 6 complaints by County Councillors against County Councillors</li> <li>• 2 complaints by Officers against County Councillors</li> <li>• 2 complaints by Parish Councillors against Parish Councillors.</li> </ul>
2022 to date	<ul style="list-style-type: none"> <li>• 1 complaint by an Officer against a County councillor</li> <li>• 1 complaint from the Independent Person against a County councillor</li> <li>• 10 complaints by County Councillors against County Councillors</li> <li>• 9 complaints by Parish Councillors against Parish Councillors.</li> </ul>

- e. However, unlike many other complaints, these three complaints in question have been investigated. All live Code of Conduct complaints are at different stages and are to be reviewed in light of the Caller Review and the Section 114/114A reports but others are more likely to be determined by the Monitoring

Officer under para 7.2 rather than referred to the Committee (although this should not be ruled out).

11. None of this means that members cannot choose to proceed. But both these reports are relevant and raise issues including those outlined above that the Committee should take into account.
12. Members of the committee may find a timeline of these matters helpful:
  - a. October 2020 – Code of Conduct Complaints submitted to the Monitoring Officer
  - b. Freeths LLP instructed to investigate the complaints
  - c. August 2021, September 2021 and January 2022 - Investigation reports were finalised. One report was revised in April 2022.
  - d. February 2022 – The 17th and 28th February 2022, were listed as potential hearing dates. The 17th February 2022 was confirmed, however, but concerns were raised regarding the allocations of committee places based on political proportionately following the results of the Hexham by election (full Council was yet to agree allocation of committee seats). Accordingly, as the request of [some] elected members, the 17th February 2022 date was vacated. The 28th February 2022, was canvassed as a potential date, but it did not go forward as it was not a confirmed date and not all parties involved were available.
  - e. End March 2022 - VWV instructed. VWV clarified with NCC officers the correct / lawful arrangements (process) to be used under the Localism Act 2011 to process the complaints they were instructed to progress, advised, and subsequently determined one complaint could not proceed for legal reasons, liaised with the subject-members to determine preliminary hearing issues, and reviewed their responses.
  - f. June 2022 - NCC Extraordinary Meeting: S114/114A Report and the Independent Governance Review (the Caller Report).

### **Implications**

<b>Policy</b>	The process involves consideration of the Code of Conduct for Elected Members
<b>Finance and value for money</b>	There are no direct financial implications other than the cost of officer time and instruction of external legal representation
<b>Legal</b>	These matters are governed by the Localism Act 2011 Part 7 and are not Executive Functions under the Local Authorities (Functions and Responsibilities) (England) Regulations 2000
<b>Procurement</b>	N/A
<b>Human Resources</b>	N/A

<b>Property</b>	N/A
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	The Equality Act 2010 has been taken into account in the preparation of this report
<b>Risk Assessment</b>	N/A
<b>Crime &amp; Disorder</b>	N/A
<b>Customer Consideration</b>	N/A
<b>Carbon reduction</b>	N/A
<b>Health and Wellbeing</b>	It is recognised that these matters can cause issues of stress to all parties. Support is available through the Council's internal processes should anyone need assistance.
<b>Wards</b>	N/A

**Background / other relevant Committees reports**

8th June 2022 – Full Council Reports - the Caller Review and S114/114A - CFO Report

**Background papers:**

**Report sign off.**

***Authors must ensure that officers and members have agreed the content of the report:***

	Full Name of Officer
Monitoring Officer/Legal	Suki Binjal
Executive Director of Finance & S151 Officer	N/A
Relevant Executive Director	N/A
Chief Executive	N/A
Portfolio Holder(s)	N/A

**Author and Contact Details**

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## Northumberland County Council

### STANDARDS COMMITTEE

14<sup>TH</sup> JULY 2022

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### Code of Conduct Complaints – Progress Report

### Report of the Monitoring Officer

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#### Purpose of report

The report is to inform Members of the progress with complaints received by the authority under the new arrangements adopted by the authority for dealing with standards allegations under the Localism Act 2011.

#### Recommendations

1. Members are requested to receive the report and the attached table marked as Appendix 1

#### Link to Corporate Plan

This report is relevant to the “We want to be efficient, open and work for everyone” priority included in the NCC Corporate Plan 2021 -2024.

#### Key issues

1. On the 4<sup>th</sup> May 2022, full Council adopted a revised Code of Conduct for Elected Members following a recommendation from this Standards Committee.
2. The Council’s Standards Committee adopted the process/arrangements for the determination of complaints of breach of Code of Conduct by members on the 1<sup>st</sup> July 2012. These were amended and adopted by at Full Council on the 2<sup>nd</sup> April 2014.
3. The authority has responsibility for complaints relating to Parish and Town Councillors in Northumberland as well as for NCC County Councillors.
4. The progress and status of each complaint received by the authority from 1<sup>st</sup> January 2020, thus far, is shown in the attached table.

## **Background**

1. Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority or of a parish council within the authority’s area, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.
2. The Council has adopted a procedure whereby such complaints may be assessed and investigated, and any breaches of the members code of conduct may be reported to the Standards Committee for a hearing if a local resolution is not appropriate
3. A table of complaints received over the past few years where any complaint is outstanding is shown in the attached table – Appendix 1 attached to this report.
4. On 18<sup>th</sup> March 2022 the Government’s response to the review of Local Government Ethical Standards by the Committee on Standards in Public Life, recommended adopting as best practice a regular pattern of annual reporting by Standard Committees of the cases and complaints handled and would encourage this as best practice by the sector. The government does not believe that there is a requirement to prescribe to local authorities the form and content of such Standard Committee annual reports. This was in response to the Committee recommending that The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g., bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.

## **Implications**

<b>Policy</b>	The local determination of alleged breaches of the Code of Conduct is a statutory requirement
<b>Finance and value for money</b>	There are no direct financial implications associated with this report. The level of complaints received continues to be maintained at a relatively high level which does have an impact on capacity
<b>Legal</b>	The Localism Act 2011 states that arrangements must be put in place for the Council to consider code of conduct complaints.
<b>Procurement</b>	None
<b>Human Resources</b>	None
<b>Property</b>	None
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	The Code of Conduct supports the Council’s policies on equalities in service delivery

<b>Risk Assessment</b>	The procedures in relation to the local assessment of member conduct complaints are designed to support fair and efficient handling of those complaints by the Council with the aim of avoiding challenge or dissatisfaction with that process.
<b>Crime &amp; Disorder</b>	The locally based system of assessment, investigation and determination of complaints supports compliance with the Code of Conduct which in turn supports the Council's general aims in relation to crime and disorder.
<b>Customer Consideration</b>	The Code of Conduct is consistent with and reinforces the Council's approach to customer relations.
<b>Carbon reduction</b>	None
<b>Health and Wellbeing</b>	N/A
<b>Wards</b>	All

### **Background papers**

Localism Act 2011

Northumberland County Council Arrangements for dealing with standards allegations under the Localism Act 2011

### **Report sign off**

	Initials
Monitoring Officer/Legal	Suki Binjal
Service Director Finance & Interim S151 Officer	N/A
Relevant Executive Director	N/A
Chief Executive	N/A
Portfolio Holder(s)	N/A

### **Author and Contact Details**

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# Northumberland County Council

## APPENDIX 1

### CODE OF CONDUCT COMPLAINTS REGISTER 2020/21/22

Complaint Ref.	Status	Date Received	Town/Parish Councillor	Comments
NCC 01/20	Closed	01/04/20	NCC	Assessment – no further action
NCC 02/20	Closed	22/10/20	PC	Assessment – no further action (18/11/21)
NCC 03/20	Closed	1/7/20	PC	Assessment – no further action
NCC 04/20	Closed	08/07/20	PC	Assessment - councillor has resigned – closed
NCC 05/20	Closed		PC	Assessment – no further action
NCC 06/20	Closed	05/08/20	PC	Assessment – no further action
NCC 07/20	Closed	07/10/20	PC	Assessment – no further action
NCC 08/20	Closed	10/12/20	PC	Assessment – no further action (23/12/20)
NCC 09/20	Closed	16/09/20	PC	Assessment – no further action (24/03/21)
NCC 10/20	Closed	19/10/20	PC	Assessment – no further action
NCC 11/20	Closed	19/10/20	PC	Assessment – no further action (11/2/21)
NCC 12/20	Closed	26/08/20	PC	Assessment – no further action
NCC 13/20	Closed	12/8/20	PC	Assessment – no further action (15/2/21)
NCC 14/20	Closed		PC	Assessment – no further action
NCC 15/20	Closed	1/11/20	PC	Assessment – no further action(insufficient information)
NCC 16/20	Closed	24/11/20	NCC	Assessment – local resolution
NCC 17/20	Closed	24/11/20	NCC	Assessment – No further action
NCC 18/20	Open	1/11/20	NCC	Assessment – pending hearing
NCC 19/20	Closed	7/12/20	NCC	Assessment – no further action
NCC 20/20	Closed	13/12/20	NCC	Assessment – no further action (10/6/21)
NCC 21/20	Closed	9/10/20	NCC	Matter amalgamated with NCC 22/20

NCC 22/20	Open	19/10/20	NCC	Assessment – Pending hearing
NCC 23/20	Open	17/11/20	NCC	Assessment – pending hearing
NCC 24/20	Closed	19/11/20	NCC	Assessment – Investigation concluded no breach
NCC 25/20	Closed	19/11/20	NCC	Assessment – Investigation concluded no breach
NCC 26/20	Closed	11/11/20	NCC	Amalgamated with NCC 18/20
NCC 27/20	Closed		NCC	No Further Action – no jurisdiction
NCC 01/21	Closed	14/01/21	PC	Assessment – no further action (25/03/21)
NCC 02/21	Closed	01/02/21	PC	Assessment – no further action – informal resolution
NCC 03/21	Closed	03/02/21	PC	Assessment – no further action (25/03/21)
NCC 04/21	Closed	26/02/21	PC	Assessment – no further action - informal resolution
NCC 05/21	Open	05/03/21	NCC	Assessment - Pending Review of local resolution
NCC 06/21	Closed	15/02/21	NCC	Assessment – Possible Breach of Code - Informal Resolution
NCC 07/21	Closed	02/12/20	NCC	Assessment – No further action (10/6/21)
NCC 08/21	Open	10/1/21	NCC	Assessment - Pending Review of Case
NCC 09/21	Closed	28/2/21	PC	Assessment – Insufficient information for breach – no further action
NCC 10/21	Closed	12/5/21	NCC	Assessment – no further action
NCC 11/21	Open	16/4/21	NCC	Assessment – Pending review of local resolution
NCC 12/21	Open	20/5/21	PC	Assessment - Pending (await further information)
NCC 13/21	Closed	21/5/21	PC	Assessment - no further action
NCC 14/21	Closed	14/6/21	NCC	No Further Action – Insufficient Information
NCC 15/21	Closed	28/6/21	PC	Assessment – Pending (to meet with IP for review)
NCC 16/21	Closed	5/10/21	NCC	Assessment – No Further Action
NCC 17/21	Closed	16/11/21	NCC	Assessment – Insufficient information
NCC 18/21	Open	17/11/21	PC	Assessment - Pending (await further information)
NCC 19/21	Open	7/11/21	NCC	Assessment – Pending (await further information)

**2022**

NCC 01/22	Open	5/1/2022	NCC	Assessment – Pending (await information)
NCC 02/22	Open	7/1/2022	NCC	Assessment – Pending (await information)
NCC 03/22	Open	13/1/22	NCC	Assessment – Pending Initial Assessment
NCC 04/22	Open	20/1/22	NCC	Complaint withdrawn
NCC 05/22	Open	3/2/22	PC	Assessment – Pending (await information)
NCC 06/22	Open	3/2/22	NCC	Assessment – Pending Initial Assessment
NCC 07/22	Open	3/2/22	NCC	Assessment – Pending (await information)
NCC 08/22	Open	3/2/22	NCC	Assessment – Pending Initial Assessment
NCC 09/22	Open	3/2/22	NCC	Assessment – Pending Initial Assessment
NCC 10/22	Open	10/2/22	NCC	Assessment – Pending Initial Assessment
NCC 11/22	Open	11/2/22	NCC	Assessment – Pending Initial Assessment
NCC 12/22	Closed	18/2/22	PC	Complaint Withdrawn
NCC 13/22	Open	25/2/22	NCC	Assessment – awaiting further information
NCC 14/22	Closed	2/3/22	PC	Assessment – No Further Action
NCC 15/22	Open	3/3/22	NCC	Assessment – await further information
NCC 16/22	Open	15/3/22	PC	Assessment – Pending Initial Assessment
NCC 17/22	Open	21/3/22	PC	Assessment – Pending Initial Assessment
NCC 18/22	Open	21/3/22	PC	Assessment – Pending Initial Assessment
NCC 19/22	Open	21/3/22	PC	Assessment – Pending Initial Assessment
NCC 20/22	Closed	24/3/22	PC	Assessment – No Further Action
NCC 21/22	Open	24/3/22	PC	Assessment – await further information
NCC 22/22	Closed	31/3/22	PC	Assessment – No Further Action
NCC 23/22	Open	01/4/22	PC	Assessment – Pending Initial Assessment
NCC 24/22	Open	15/4/22	PC	Assessment – Pending Initial Assessment
NCC 25/22	Open	19/4/22	PC	Assessment – Pending Initial Assessment
NCC 26/22	Open	21/4/22	PC	Assessment – await further information
NCC 27/22	Open	21/4/22	PC	Assessment – Pending Initial Assessment
NCC 28/22	Open	18/3/22	PC	Assessment – await further information
NCC 29/22	Open	22/4/22	PC	Assessment – Pending Initial Assessment

NCC 30/22	Open	24/4/22	PC	Assessment – Pending Initial Assessment
NCC 31/22	Open	26/4/22	PC	Assessment – Pending Initial Assessment
NCC 32/22	Closed	02/5/22	PC	Assessment – No Further Action
NCC 33/22	Open	03/5/22	PC	Assessment – Pending Initial Assessment
NCC 34/22	Open	04/0/22	NCC	Assessment – Awaiting further information
NCC 35/22	Open	22/5/22	NCC	Assessment – Pending Initial Assessment
NCC 36/22	Open	11/6/22	PC	Assessment – Pending Initial Assessment