



Northumberland County Council

Your ref:

Our ref:

Enquiries to: Lesley Bennett

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Tel direct: 01670 622613

Date: 13 April 2023

Dear Sir or Madam,

Your attendance is requested at a meeting of the **STANDARDS COMMITTEE** to be held in **COUNCIL CHAMBER, COUNTY HALL, MORPETH** on **FRIDAY, 21 APRIL 2023** at **10.00 AM**.

Yours faithfully

Dr. Helen Paterson
Chief Executive

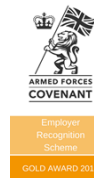
To Standards Committee members as follows:-

C Barrett, Bewley, A Varley, J Jackson (Chair), S Bridgett, T Cessford, L Dunn, B Flux (Vice-Chair), L Grimshaw, J Reid, G Stewart, D Towns, R Wilczek, B Gallacher and C Hardy

Mr. J. Jackson (Chair), Mr. A. Beswick, Mrs K. Milner, Mr. S. Openshaw (Independent Persons)



Dr. Helen Paterson, 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. 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

- 3. MINUTES OF PREVIOUS MEETING** (Pages 1 - 4)
- Minutes of the meeting of the 13 October 2023, as circulated, to be confirmed as a true record, and signed by the Chairman.
- 4. INDEPENDENT DESKTOP REVIEW OF COUNCIL'S HANDLING OF A NUMBER OF CODE OF CONDUCT COMPLAINTS** (Pages 5 - 50)
- To receive a report from Simon Goacher, solicitor with Weightman's LLP, commissioned to undertake an external review of code of conduct complaints.
- 5. CODE OF CONDUCT COMPLAINTS - PROGRESS REPORT** (Pages 51 - 62)
- 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.
- 6. SECTION 32 OF THE LOCALISM ACT 2011 - DISPENSATIONS** (Pages 63 - 66)
- To receive a report relating to the requirements relating to the publication of Member's addresses on the Declaration of Interests Register, consider the current position and set out a number of options for Members consideration.
- 7. 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.
- 8. DATE OF NEXT MEETING**
- The next scheduled meeting is to be held on Thursday, 13 July 2023 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.

Name:		Date of meeting:	
Meeting:			
Item to which your interest relates:			
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):			
Are you intending to withdraw from the meeting?		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 Registerable 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.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards

	<p>his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</p> <p>—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council. ‘Land’ excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor’s knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/ civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor’s knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>i. the total nominal value of the securities* exceeds £25,000 or one hundredth of the total</p>

	<p>issued share capital of that body; or</p> <p>ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>
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* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registrable Interests

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- a) any body of which you are in general control or management and to which you are nominated or appointed by your authority
- b) any body
 - i. exercising functions of a public nature
 - ii. any body directed to charitable purposes or
 - iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)

NORTHUMBERLAND COUNTY COUNCIL

STANDARDS COMMITTEE

At a meeting of the **Standards Committee** held in the Council Chamber, County Hall, Morpeth on Thursday, 13 October 2022 at 2.00 pm.

PRESENT

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

COUNTY COUNCILLORS

Cessford, T.	Reid, J.
Dunn, L.	Stewart, G.
Flux, B.	Towns, D.
Grimshaw, L.	Wilczek, R.
Lee, S (substitute)	

PARISH COUNCIL REPRESENTATIVES

Bewley, D.	Varley, A.
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ALSO IN ATTENDANCE

Broadfoot, S	KC
Milner, K.	Independent Person

OFFICERS

Bennett, Mrs L.M.	Senior Democratic Services Officer
Binjal, S.	Monitoring Officer
Masson, N.	Deputy Monitoring Officer

29. MEMBERSHIP

The Chair reported that Councillor S. Lee was attending the meeting as a substitute for Councillor S. Bridgett.

The Chair welcomed Parish Councillors David Bewley and Alan Varley to the meeting as the newly appointment Parish Council representatives. Parish Councillor Chris Barrett was not in attendance.

30. APOLOGIES FOR ABSENCE

Apologies were received from Councillor S. Bridgett.

31. MINUTES

RESOLVED that the minutes of the meeting of the Standards Committee held on Thursday, 14 July 2022, as circulated, be confirmed as a true record and signed by the Chair.

REPORT OF THE MONITORING OFFICER

32. UPDATE ON ONGOING INVESTIGATIONS

Members received a report updating them on the current position and development regarding complaints against three Members which the Committee considered at its meeting on 14 July 2022. Independent legal advice was being provided by Ms. Samantha Broadfoot KC (who was attending the meeting via video link.)

Ms. Broadfoot reminded Members of the background to the decision made at the last meeting, following her advice, that the three complaints should proceed to a local hearing. However, there had been a change in circumstances since that meeting in that one of the complaints, Mrs Lally, had withdrawn her allegations as part of a settlement agreement. Her complaints were closely linked with those of another senior officer. The senior officer had been contacted and asked if they wished to proceed and had been contacted again due to the ambiguous nature of their response. The third complainant had indicated that they wished to proceed.

Ms. Broadfoot's advice was that, in order to be procedurally clean and fair, that the July decision should be rescinded and to go back a step to allow the various parts of the complaints to be separated out and then to make a decision on how to proceed on what remained. If it was decided to press on regardless, this would be fraught with legal difficulties, run against the advice of the Caller Report, be unfair to those complained against and undermine the terms of settlement of the former Chief Executive. If the July decision was rescinded, then it would allow proper procedures to run their course and the next steps would follow the County Council's normal local arrangements.

Regarding the Council's committee procedural rules, a motion to rescind a decision within six months could not be made without a Notice of Motion to that effect and signed by nine members. There were broadly two types of motion, with Notice and without Notice and there was a strong argument to say that the six months period only applied to a Motion with Notice and this situation would be Without Notice. However, the best way to deal with the issue was to suspend Standing Orders

Members raised a number of issues and received the following responses:-

- It was confirmed that the former chief Executive had withdrawn her complaints as she wished to move on from the dispute with Members and expected that they would do the same. She would not assist, promote or support any other complaints which may arise from the same or similar facts.
- There would be no need for new investigation reports as it was suggested just to go back a step and produce a smaller report based on whatever issues remained. This would then be sent to the complainant. The Monitoring Officer would apply the tests and criteria set out in the Local Arrangements, and it was possible that all parties would agree on a local resolution rather than moving to a full hearing.
- It was important to respond to the change in circumstances and this was procedurally the most fair way to move ahead. To move to a preliminary hearing now would potentially open the committee to legal challenge and could entail needing substantial legal advice. The matter was not as straightforward as it may seem at first.
- The lawyers involved in considering this issue including the Investigating Officer predicted that there were some very complex and difficult legal arguments to be had if the Standards Committee decided to proceed. It was not possible to say that there would definitely be a case for Judicial Review but it was considered that there were very serious arguments which could be raised by the Members complained about if the matter proceeded. Ms. Broadfoot's advice was that it would be unwise and unsafe to proceed given the express terms of the settlement agreement and the withdrawal of the former Chief Executive's complaint.
- With regard to the query as to whether there was any criminal behaviour referred to within a complaint, it was stressed that if there was it would be referred to Northumbria Police.

It was proposed by Councillor B. Flux and seconded by Councillor G. Stewart that Standing Orders be suspended.

This was agreed by five votes for, two against and two abstentions.

It was proposed by Councillor B. Flux and seconded by Councillor G. Stewart that the recommendations in the report be approved, and by five votes for, two votes against and two abstentions, it was:

RESOLVED that

- (1) The legal advice from Ms. Samantha Broadfoot KC, appended to the report, be received.
- (2) The resolution of 14 July 2022 that the three Code of Conduct complaints should continue to a local hearing be rescinded.

33. APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES

Members noted the appointment of the following three Parish Council representatives following the recruitment and interview process:-

- Councillor Chris Barratt
- Councillor David Bewley
- Councillor Alan Varley

RESOLVED that the appointments to the three vacant Parish Council positions on the Standards Committee until the next Parish Council elections, be noted.

34. APPOINTMENT OF ADDITIONAL INDEPENDENT PERSONS

The Chair informed Members that following the recruitment and interview process, two candidates had been chosen. The CVs of the successful candidates were circulated to Members at the meeting. The two new Independent Persons would be invited to attend the Standards Committee scheduled for January 2023.

RESOLVED that the next meeting of Full Council be requested to approve the appointment of the two successful candidates as Independent Persons.

35. CODE OF CONDUCT COMPLAINTS – PROGRESS REPORT

Members were informed 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.

In addition to the figures contained in the report, Mr. Masson reported that there were currently 18 live cases out of the 48 received in 2022. Since the last meeting of the Committee, 30 cases had been resolved.

RESOLVED to receive the report and attached appendix.

36. DATE OF NEXT MEETING

The next meeting will be held on Thursday, 12 January 2023 at 2.00 pm.

CHAIR.....

DATE.....



Northumberland County Council

STANDARDS COMMITTEE

21 APRIL 2023

Independent Desktop Review of the way in which the Council dealt with a number of Code of Conduct complaints

This is a covering report from the Monitoring Officer

1. Purpose of report

- 1.1 The LGA Advisory Challenge Board requested an independent desktop review (the 'desktop review') of the way in which Northumberland County Council had dealt with a number of complaints about Councillors.
- 1.2 The review scope of the review was to cover the processes carried out and whether there are any lessons to be learned about the Council's procedures. The scope of the review was not to review the outcomes of the complaints.
- 1.3 The Advisory Board engaged Simon Goacher Partner from Weightmans LLP.

Mr Goacher's report is appended at Appendix 1.
- 1.4 Mr Goacher and a Member of the LGA Advisory Challenge Board will be attending the committee meeting to present his report and proposed recommendations.

2. Recommendations

The Standards Committee is requested to:

- 2.1 To receive the Independent Desktop Review of the way in which the Council dealt with a number of Code of Conduct complaints which, is attached as Appendix 1 to this report.

2.2 To decide whether

- (i) To accept the findings (lesson learnt) and recommendations of the Desktop Review report, which are set out in paragraphs 42 to 56, pages 15 to 22; or
- (ii) Not to accept the findings (lesson learnt) and recommendations of the Desktop Review report, which are set out in paragraphs 42 to 56, pages 15 to 22.

2.3 If the recommendations are accepted to agree a timeline for implementation of the recommendations of the review.

3. **Link to Corporate Plan**

3.1 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.

4. **Key issues and Background**

4.1 In June 2022, the Council received the Independent Governance Report undertaken by Max Caller and a team from SOLACE (“the Caller report”). In response to the Caller report, the Leader of the Council asked the Local Government Association (LGA) to establish an external Advisory Challenge Board of experienced local government Elected Members and Officers to advise the Council on its improvement journey as a “critical friend.”

4.2 As part of their work, the Challenge Board commissioned an independent lessons learnt review of matters relating to the Council’s Code of Conduct.

Implications

Policy	The local determination of alleged breaches of the Code of Conduct is a statutory requirement
Finance and value for money	There are no direct financial implications associated with this report.
Legal	The Localism Act 2011 states that local authorities must put in place arrangements for the Council to consider code of conduct complaints.
Procurement	None
Human Resources	None
Property	None

Equalities (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
Risk Assessment	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.
Crime & Disorder	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.
Customer Consideration	The Code of Conduct is consistent with and reinforces the Council's approach to customer relations.
Carbon reduction	None
Health and Wellbeing	N/A
Wards	All

Appendix

Appendix 1 - Weightmans report - Desktop Review of the way in which the Council dealt with a number of code of conduct complaints

Background papers

N/A

Author and Contact Details

Lynsey Denyer– Senior Manager and deputy Monitoring Officer
Telephone - 01670 623295
Email: lynsey.denyer@northumberland.gov.uk

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Northumberland County Council

Weightmans reference: SIG/W27100/2

Desktop Review of the way in which the Council dealt with a number of code of conduct complaints



**Simon Goacher, Partner
Weightmans LLP
100 Old Hall Street
Liverpool L3 9QJ**

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The Council’s Process and Complaints dealt with since 2020	Pages 7–15
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Summary

1. We were asked by the LGA Challenge Board to carry out a desktop review of the way in which Northumberland County Council (“the Council”) had dealt with a number of complaints about councillors. We were asked to review the processes carried out and whether there are any lessons to be learned about the Council’s procedures. We were not asked to review the outcomes of those complaints.
2. We reviewed the way in which the complaints had been dealt with against the Council’s procedure and best practice.
3. We reviewed 10 reports of investigations which the Council had instructed Freeths LLP solicitors to carry out and three reports of assessments which the Council had asked ch&i associates to carry out.
4. We concluded that the length of time it took to complete the assessments/investigations was far longer than would be best practice or we would expect. However, there are mitigating factors relating to the cultural issues at the Council, changes in the Council’s Monitoring Officer (“MO”) and Deputy Monitoring Officer (“DMO”), the way in which complainants and subject members participated, the complexity of the complaints and the related processes which delayed the investigations.
5. We believe that the Council’s arrangements for dealing with such complaints could be improved. We also believe that the Council could adopt a more pro-active approach to managing complaints and investigations which have been outsourced.
6. We recommend that:
 - a. The Council reviews its arrangements for dealing with code of conduct complaints against best practice and the LGA’s guidance on handling complaints;
 - b. The Council ensures that where any investigation or other action in respect of complaints is outsourced:
 - (a) Clear deadlines are agreed at the outset;

- (b) There is a person in the MO's team responsible for monitoring progress;
 - (c) Monthly updates are requested from the external provider;
 - (d) Any delay beyond 6 months in completion of an investigation from the time of instruction is reported to the Standards Committee, together with reasons.
- c. The Standards Committee receives regular (at least quarterly) reports on the:
- (a) number of complaints received;
 - (b) progress of any complaints made but not yet determined;
 - (c) outcome of complaints determined
 - (d) number of complaints outsourced and anticipated completion date;
- d. The Council reviews the resources available to the MO to deal with complaints;
- e. The Deputy Monitoring Officers ("DMOs") are provided with training on the assessment of complaints and investigations;
- f. Where a DMO deals with a complaint as a result of the MO having a conflict, the DMO will report directly to the Chief Executive in respect of that complaint; and
- g. An annual report is prepared setting out the number of complaints received, the broad nature of the complaints, the outcomes and the timescales taken in respect of them. This should be considered by the Standards Committee and reported to full council. It should also be reflected in the Council's process for preparing its Annual Governance Statement.

Introduction

7. We were asked by the LGA Challenge Board to carry out a desktop review and identify any lessons learned from a number of code of conduct investigations which had been outsourced by the Council.

What we looked at

8. We were provided with the following documents:
 - Timeline of events in respect of the code of conduct produced by the Council
 - The Council's arrangements for dealing with standards complaints
 - Ten reports of investigations completed by Freeths LLP
 - Independent Governance Report ("the Caller report")
 - Three assessment reports completed ch&i associates
 - Chronology produced by Freeths LLP solicitors
 - Chronology produced by VWV Solicitors
 - Council's Code of Conduct
 - Council's arrangements for dealing with code of conduct complaints
 - Council's filming protocol
 - Protocol between the MO of the Council and Northumbria Police
 - Reports to the Standards Committee meetings of 14 July and 13 October 2022
 - Counsel's advice to the Standards Committee meeting of 13 October 2022
 - Spreadsheet containing details of complaints from 2020 to date (as at 13 March 2023)
 - Timeline in respect of complaints produced by the Council.

9. We reviewed the procedure followed in a number of complaints and considered how these had been dealt with against the Council's procedures and best practice.

Law and Procedure for dealing with code of conduct complaints

10. The conduct of members of local authorities in England is governed by the Localism Act 2011. This requires all relevant authorities to adopt a code of conduct setting out the standards of conduct expected of elected and co-opted members of the authority. The code must be consistent with the Nolan principles and deal with interests.

11. Every relevant authority (except parish councils) must also adopt arrangements under which written allegations that a member has failed to comply with the code of conduct can be investigated and/or determined.
12. It is for each authority to decide what arrangements it puts in place. There is a requirement to consult with the independent person on any allegation the authority has decided to investigate. An authority may also consult with the independent person at other stages of the process. The arrangements must be adequate and comply with the principles of natural justice.
13. In September 2021 the LGA issued guidance on Member Model Code of Conduct Complaints Handling. This guidance is intended to supplement the LGA Model Code of Conduct. It is not mandatory to follow the Guidance but it is useful for all local authorities to consider in assessing their arrangements. The Guidance can be seen at: <https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>
14. In respect of timescales the LGA guidance states that the initial assessment of a complaint should be completed within 15 working days. It suggests that subject members should be given 10 working days to provide a response to the complaint and the assessment should be carried out within 5 working days of that response.
15. In respect of timescales for investigations the LGA guidance states:

There are many factors that can affect the time it takes to complete an investigation. Nevertheless, it is important that there are realistic targets from the outset for the completion of an investigation. This allows the monitoring officer to monitor the progress of investigations and explore reasons for any delays where they have delegated the investigation. We recommend that most investigations are carried out, and a report on the investigation completed, within a maximum of six months of the original complaint being referred for an investigation.

This will not always be possible, particularly where there is overlapping jurisdiction or you are waiting for a key piece of evidence from an external body but if it is to take longer than that, specific permission should be discussed between the monitoring officer and the Independent Person, and a note made as to the reasons why.

Refusal by the subject member or other relevant party to cooperate, for example by not making themselves available for an interview without good reason, should not be a reason for delay but should be reflected in the report. If the subject member refuses to cooperate that of itself is a potential breach of the Model Code and may be something that any decision maker in a case may want to take account of.

16. The LGA guidance states in respect of hearings:

The date of the hearing should be within three months from the date the monitoring officer, or delegated officer, completes the final report...

The Council's Process and Complaints dealt with since 2020

The process

17. The requirements relating to member conduct in England changed in July 2012, following the relevant provisions of the Localism Act 2011 coming into force. We have been advised that the key steps taken by the Council in relation to standards since then are:

4 July 2012 – Council adopts code of conduct, adopts arrangements for dealing with complaints and appoints independent person;

14 September 2012 – the Standards Committee adopts a hearings procedure;

2 April 2014 – Council approved minor changes to the arrangements following a recommendation from the Standards Committee.

Delegated authority was given to the Standards Committee to make

minor amendments to the Code of Conduct and associated protocols;

22 June 2018 – revised arrangements put on the Council’s website.

These reflect the changes agreed by Council in 2014 but also some other changes for which no decision to approve can be identified;

10 October 2019 – further revised arrangements placed on the Council’s website for which no decision to approve can be identified;

10 February 2022 – the Standards Committee considered a report on the LGA model code of conduct and a revised draft recommended code of conduct. The committee resolved to recommend approval of the revised code to Council;

4 May 2022 – Council approves revised code of conduct;

6 July 2022 – Council approves revisions to the Code of Conduct.

18. We are advised that the Council’s current arrangements for dealing with code of conduct complaints is the version we have been provided with (appendix 1). This version is dated May 2022. We are proceeding on the basis that this is the approved version.
19. There has been some confusion about the correct version of the Council’s arrangements. The arrangements were approved by Council in April 2014. However, changes appear to have been made in 2018/19. These are referred to as “minor/cosmetic” changes. The changes in 2018 included:
- Code of Conduct no longer an Appendix – as this is on the Council’s website;
 - Hearing Procedure not mentioned at all or appended;
 - Filtering now done within 21 days as opposed to 14 days previously;
 - Some text is tidied up referring to pre-hearing;
 - Added text about independent Chair of Standards Committee;
 - Added text about IP being a statutory position.
20. The confusion over the correct version of the arrangements is referred to by VWV in their chronology. They state:

Identified that the S28 arrangements were unclear. Those on website (2 versions) were not officially approved but had been

amended and used by previous MO. Sought to clarify with NCC what the valid S28 arrangements were.

21. It is clearly undesirable to have uncertainty about the correct arrangements for dealing with code of conduct investigations. Whilst some of the changes do appear to be very minor (such as removing the code of conduct as an appendix because it is available on the website) others are clearly not, for example amending the timescale for carrying out filtering. If any changes are made to statutory arrangements such as these there should be a clear audit trail of when the changes were made and under what authority.
22. Given that these are the arrangements which deal with how code of conduct complaints are to be dealt with, in our view, all changes other than amending any minor typographical errors should be approved by full council. There should certainly not be a situation where changes are being made without clarity on who approved them.
23. It is for each authority to adopt arrangements for dealing with code of conduct complaints. This means that there is no standard procedure. We have carried out many investigations into code of conduct complaints since the law changed in 2014 and also routinely advise local authorities and MO's on code of conduct issues, so are consequently familiar with many such arrangements and how effectively they operate.
24. The Council's arrangements are similar to some other local authorities but are fairly brief. Whilst this has some advantages it does leave some questions which would benefit from elaboration in our view. We consider this further below.
25. The arrangements deal with the following matters:
 - 1) Context
 - 2) The Code of Conduct
 - 3) Making a Complaint
 - 4) Will your complaint be investigated
 - 5) How is the investigation conducted?

- 6) What happens if the investigating officer concludes that there is no failure to comply with the code?
- 7) What happens if the investigating officer concludes that there is failure to comply with the code?
 - Local resolution
 - Local Hearing
- 8) What action can the Standards Committee take where a member has failed to comply with the Code of Conduct?
- 9) What happens at the end of a hearing?
- 10) Who are the Standards Committee?
- 11) Who is the Independent Person?
- 12) Revision of these arrangements
- 13) Appeals
- 14) Appendix 1 – Code of Conduct
- 15) Appendix 2 – Hearings Procedure

26. We consider the arrangements, make comments on the current version and any possible changes below.

The complaints

27. The Council received a significant volume of complaints in years 2020–23. It should be noted that the Council is also responsible for complaints relating to parish councillors in its area. The spreadsheet with which we have been provided shows that the Council received the following complaints (up to 13 March 2023):

Year	Complaints resolved	Complaints Unresolved	Total number of complaints	Average Days to conclusion of completed cases	Average days since start of outstanding complaints
2020	25	3	28	274	840
2021	18	1	19	239	480
2022	40	9	49	132	367
2023	1	4	5	0	21

28. It is very difficult to benchmark the average length of time being taken with other authorities as there is no longer any requirement on local authorities to report this. However, on the face of it the time being taken to deal with complaints seems much longer than would be expected. There are many complaints which are taking far longer than the LGA guidance suggests as a maximum and from our experience, far longer than would be considered normal.
29. However, this needs to be considered in the context of the nature of the complaints and the issues within the Council; highlighted in the Caller report. In respect of Code of Conduct complaints the Caller report noted:

6.2 The numbers of Freedom of Information requests (FOIs), grievances, complaints, standards and conduct issues between officers and officers and between Members and officers reflect an absence of effective communication in the upper levels of the organisation. Many Members and officers resort to such processes as they feel it is the only way they can effect change. Much of the council business is now done via prolonged email trail, for example, the correspondence regarding the commissioning of this review...

6.5 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.

7.11 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 ...'

30. There have also been changes of the Council's MO and DMO during the period within which these complaints were dealt with. The timeline provided by the Council notes:

In 2020 a few significant matters occurred which affected standards complaints. At that time the Monitoring Officer processed all code of conduct complaints without any assistance and the number of complaints as relatively low. The Monitoring Officer was centrally involved in a number of exceptional governance matters ...

The Code of Conduct Complaints were made in October 2020 and in that same month the Monitoring Officer became absent from work... At this time a part time external officer (appointed as Deputy Monitoring Officer) was dealing with code of conduct matters, and the principal solicitors (now senior managers) were asked to step up and run the legal department and deal with governance matters. All three had limited knowledge and experience in such matters...

The external agent/DMO then left in December 2020, and a replacement interim Deputy Monitoring Officer was appointed in Feb 2021. All responsibility for dealing with governance matters and code of conduct complaints were that of the Interim DMO. However, the interim DMO then left the Council suddenly in March 2021.

At that point responsibility for code of conduct matters passed to the three senior managers and they were appointed as Deputy Monitoring Officers. However, the system inherited for dealing with code of conduct complaints was not ideal. The arrangements were unclear on a number of points and there were no templates or other guidance to assist in assessing complaints. This has now been addressed and the Monitoring Officer's team has developed a toolkit for dealing with all aspects of code of conduct complaints which has greatly assisted in resolving many complaints since the Caller Report.

31. The Council outsourced certain aspects of dealing with a number of complaints. We have been provided with three assessment reports on complaints produced by ch&i associates and ten reports following investigations completed by Freeths LLP.
32. It is fairly common for local authorities to outsource the investigation of standards complaints, particularly where these are complex or involve high profile or senior councillors or where the complainant is an officer.
33. It is less common for Councils to outsource the initial assessment of complaints. We understand that in the case of the complaints where ch&i was instructed to carry out the assessment this was because the complainants, who were councillors, stated that the MO was unable to deal with the complaints impartially. One of the complaints does relate to alleged comments about the MO. Whilst this does not necessarily mean that the MO would be unable to deal with it we can see why it may have been felt prudent for it not to be assessed by the MO. However, it is not immediately obvious from the reports why the other two complaints would have needed to be outsourced. It is always open to the Council for a DMO to consider the assessment of complaints if the MO is unable to do so.

34. It appears from the spreadsheet with which we have been provided that the assessments completed by ch&I associates took an average of 271 days to complete. However, the Council's timeline shows that it took three to four months between the complaints being received and ch&I associates being instructed to carry out the assessments.
35. Freeths LLP were first instructed by the then MO of the Council to carry out investigations into a number of complaints in March 2020. They have produced a number of reports but some of the cases they have been dealing with are yet to be concluded some three years later. The first final report was not issued until August 2021 some 15 months after first instruction. The LGA guidance suggests six months should generally be the maximum period.
36. It is clear from the chronology produced by Freeths LLP that they have had considerable difficulties in engagement from some of the parties involved in the complaints. They have also been presented with fresh allegations and counter-allegations in the course of investigations. There have also been issues with the reports produced which have led to changes being made and fresh actions taken by Freeths LLP. There have also been delays in the conclusion of the complaints which have arisen as a result of hearing processes which occurred after Freeths LLP have produced their final reports.
37. Freeths LLP have been managing a number of investigations and many of these have been complex with numerous allegations and parties involved. The complaints have also been linked to other processes (such as HR processes and those connected with the Caller report) which have had an impact on the investigations. The cultural issues identified in the Caller report have also clearly had a significant impact on the ability of Freeths LLP and the Council to progress the complaints in a timely manner.
38. Some of the complaints have been partially withdrawn very late into the process and this has been the subject of detailed consideration by the Standards Committee.

39. The chronology shows that Freeths LLP updated the Council on progress and a number of difficulties which they were having but it is not clear whether there were structured reviews held of progress and what corrective action was agreed. We have not seen the instructions to Freeths LLP nor what expectations were placed on them by the Council in terms of timescales for completion of the investigations nor what reporting requirements were placed on them.
40. The Council has also commissioned external support from VWV Solicitors on the process for holding a hearing in respect of some of the complaints and VWV sought counsel's opinion in respect of some aspects.
41. It is not clear whether the Council's Standards Committee receives regular reports about complaints being dealt with and timescales.

Findings and recommendations

42. We have considered the main features of the current arrangements and our comments. Where relevant we have taken into account the LGA guidance. Our thoughts are set out below:

Relevant Part of Council's arrangements	Comments
The MO will consider any complaint within 14 days and consult with the IP and decide whether it merits investigation	We believe the MO is the person who should carry out the initial review. The involvement of the IP at this stage is good practice. 14 days is a reasonable timescale (though the LGA guidance suggests 15 working days) It states that the MO "may" seek the comments of the subject member. In our view it should be a requirement that the member's views on the complaint be sought at this stage. The arrangements should reference that anonymity can be

	<p>asked for but it would only be in exceptional circumstances that a member would not be told the identity of the complainant. (This is referred to in the investigation section but would in our view be better set out in relation to the earlier stage.)</p> <p>There is no reference to the criteria which the MO will apply or factors they will take into account in determining whether a complaint warrants formal investigation. In our view it should although there will always need to be some flexibility</p>
<p>Investigation stage sets out who may carry it out and how</p>	<p>This could and probably should be expanded a little to set out the investigation process for both any internal investigator appointed and the parties involved.</p> <p>It could set out timescales, although in our view caution needs to be applied because the complexity of complaints can vary considerably. The LGA guidance recommends 6 months but recognises this may not always be possible.</p> <p>In many cases investigations should be possible to complete in significantly less than 6 months.</p> <p>The procedure allows for the sharing of the draft report but sets out no timescale for comments. In our view it would be helpful to do this. In our experience this can vary in other</p>

	<p>authorities' arrangements from between 5 working days and 21 days.</p>
<p>If there is no evidence of failure to comply the MO, after consulting with the IP, will consider with IP confirm the outcome unless they are not satisfied that the investigated properly.</p>	<p>This is a standard approach and in our view the appropriate one.</p>
<p>If there is a finding of evidence of failure to comply with the Code the MO, after consultation with the IP, may:</p> <ul style="list-style-type: none"> (a) seek local resolution (b) Refer to a local hearing 	<p>This is a standard approach and in our view the appropriate one. Most of this is fairly standard. There is a discretion on the MO not to refer to a hearing where, they are, "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."</p> <p>This is unusual and in our opinion inappropriate.</p> <p>There is a separate hearings procedure at Appendix B considered further below.</p> <p>There is reference to a pre-hearings process this is rather brief and in our view would benefit from a little expansion in terms of who will do what, when and what directions might be made. In our view any directions should be made by the MO in consultation with the Chair of the</p>

	Standards Committee. This could be as an appendix to the procedure. The LGA guidance suggests a pre-hearing meeting. We are not convinced that this will always be necessary or appropriate but it should be considered.
Action which can be taken	This is fairly standard and appropriate.
What happens at the end of the hearing	This is a fairly standard. The procedure states that the decision notice will be produced, "as soon as reasonably practical." Appendix B states within three working days. The document should be consistent. Three working days may be quite short for complex cases and five to seven would be more usual to give adequate time for drafting and consultation before sending.
Who is the standards committee	This is not something usually included in the arrangements.
Who is the IP	This is not something usually included in the arrangements. If it is to be included it would benefit from a little bit more explanation about the criteria for selecting an IP – i.e. why they are independent.
Revision	The section about the ability of the Chair to depart from the arrangements is unclear and, to the extent that it purports to relate to any steps other than at a committee meeting, is arguably unlawful.
Appeal	This is a standard wording.
Appendix B – Hearing procedure	The procedure sets out what

	needs to be done and is comprehensive. It is perhaps a little wordy and could be reviewed with the aim of making it more simple but it meets the needs of such a procedure.
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43. The number of complaints being received and the time taken to process them appears to us to be outside of the normal expectations for an authority of the Council's type and size for such matters.
44. Freeths LLP and chi&l associates are experienced in dealing with standards matters. We are sure they would normally expect to conclude matters on which they are instructed more quickly than they did in the cases we have seen. However, we believe that there are significant mitigating factors which explain why this was the case in terms of the engagement of the parties and the staffing issues within the MO/DMO team.
45. The cultural issues highlighted in the Caller report have clearly had a significant impact on the ability of officers and Freeths LLP to deal with complaints in a timely and effective manner. The reports produced by Freeths LLP and their chronology demonstrate the complexity and breadth of the issues they were having to deal with. It is also clear that they had difficulties in engagement from the parties and also had to deal in some of the complaints with goalposts being moved in the course of their work.
46. It is less easy to assess the impact of the cultural issues on the work done by ch&l associates but it seems likely that there would have been some impact. It is also possible that those issues played a part in them becoming involved at all as we would normally expect those issues to be dealt with by council officers. It is clear that it took a significant amount of time after the complaints were received for ch&l to be instructed.
47. Notwithstanding these factors it is clearly very undesirable for complaints to be taking as long to deal with as they have been. It is to be strongly hoped that the changes recommended by the Caller

report will reduce the amount of complaints being made to the Council in the future. However, there are still changes which we believe the Council can and should make to try to better manage the complaints it does receive.

48. It is also notable that the spreadsheet with which we have been provided suggests that complaints which are not of the type being criticised in the Caller report also appear to have been taking a very long time to deal with. For example there is reference to a complaint by a member of the public against a parish councillor in 2022 which took 236 days to be assessed with a conclusion that it did not meet the threshold for action. The LGA guidance suggests that this should take no longer than 15 working days and the Council's own procedure states that this should take 14 days, it is difficult to see why any complaint should take this long to be assessed, though we acknowledge we have no details of this complaint. It may well be that the resources implications of dealing with other complaints and other issues identified in the Caller report have had a knock on impact on the way all complaints are being dealt with.
49. It is not clear on the basis of the information which we have whether there was proactive management by the Council of the cases which were outsourced and what, if any, oversight there was at member level of the way the arrangements were being operated.
50. We recommend that in relation to the way complaints are managed and particularly where they have been outsourced the Council needs to put in place arrangements to ensure that they are proactively managed. As a minimum the Council should ensure:
 - a. Clear deadlines are agreed at the outset;
 - b. There is a person in the MO's team responsible for monitoring progress;
 - c. Monthly updates are requested from the external provider;
 - d. Any delay beyond 6 months in completion of an investigation from the time of instruction is reported to the Standards Committee, together with reasons.

51. It is good practice for the Standards Committee to receive an annual report. This should include the number of complaints, the broad type of complaints being received, the outcomes and the time taken for them to be dealt with. The Council should consider whether the annual report is referred to full council and it should be reviewed as part of the process for preparing the annual governance statement.
52. The proactive management of complaints requires sufficient resources to do so. We are very aware of the financial constraints which local authorities operate under. However, public confidence in the complaints process is extremely important. Therefore, we recommend that the Council reviews the resources required to deal effectively with complaints.
53. The Council has had a number of changes in the MO/DMO team managing complaints and the senior managers who have been appointed DMO's are inexperienced in this area. To assist them we recommend that they are given specific training on assessing complaints and carrying out/managing investigations.
54. It should be rare where the MO is unable to deal with a complaint as a result of conflict. This should only arise where the complaint relates directly to the MO or their actions. In such cases the complaint should be overseen by a DMO who should report directly to the Chief Executive in relation to that complaint.
55. In our view appropriate member oversight would also improve the process. Members should not become involved in the details of complaints, except at any local hearings. However, in our view they should receive statistical information to be able to satisfy themselves that the arrangements for dealing with complaints are operating in a satisfactory way. Therefore, if not already done, we recommend that there are regular reports to the Standards Committee (at least on a quarterly basis) on:
 1. the number of complaints received;
 2. the progress of any complaints made but not yet determined;
 3. The outcome of complaints determined; and

4. The number of complaints outsourced and anticipated completion date.

56. The LGA guidance suggests that all complaints investigations should normally be completed within six months, whilst recognising that in some exceptional cases this may not be possible. We recommend that in any case where an investigation has taken longer than six months to complete this should be reported to the Standards Committee together with the reasons why.

Simon Goacher, Partner
Weightmans LLP
12 April 2023



Northumberland County Council

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

1. Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority [or of a parish council within the Northumberland area] has failed to comply with the authority’s Code of Conduct and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

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.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member [or a member or co-opted member of a parish council] against whom an allegation has been made.

2. The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix A to these arrangements and available for inspection on the authority’s website and on request from Reception at the Civic Offices.

[Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the parish council and request the parish clerk to allow you to inspect the parish council’s Code of Conduct.]

3. Making a Complaint

If you wish to make a complaint, please write or email to –

The Monitoring Officer
Northumberland County Council
County Hall
Morpeth
NE61 2EF

Or –

MonitoringOfficer@northumberland.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available to download from the Council's website at:

<https://www.northumberland.gov.uk/Councillors/Councillors.aspx#complaintaboutanlectedmember>

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will, as far as practicable, keep you informed of the progress of your complaint.

4. Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. [Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.]

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5. How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigation Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint if the member has not already received a copy from the Monitoring Officer and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Office can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments, which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6. What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned [and to the Parish Council, where your complaint relates to a Parish Councillor], notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Standards Committee or, after consulting the Independent Person, seek local resolution.

7.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology,

and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee [and the Parish Council] for information but will take no further action. If you tell the Monitoring Officer that any suggested resolution would not be adequate; the Monitoring Officer will, in consultation with the Chair of the Standards Committee, decide whether to refer the matter for local hearing.

7.2 Local Hearing

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.

The council has agreed a procedure for local hearings, which is attached as Appendix B to these arrangements.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Standards Committee may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Standards Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Standards Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Standards Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Standards Committee concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Standards Committee will then consider what action, if any, the Standards Committee should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Standards Committee will give the member an opportunity to make representations to the Standards Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8. What action can the Standards Committee take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the Standards Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Standards Committee may –

- 8.1 Publish its findings in respect of the member's conduct;
- 8.2 Report its findings to Council [or to the Parish Council] for information;
- 8.3 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 8.4 Recommend to the Leader of the Council that the member be removed from the Policy Board, or removed from particular Portfolio responsibilities;
- 8.5 Instruct the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
- 8.6 Remove [or recommend to the Parish Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
- 8.7 Withdraw [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 8.8 Exclude [or recommend that the Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Standards Committee has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

9. What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Standards Committee as to whether the member failed to comply with the Code of Conduct and as to any actions that the Standards Committee resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Standards Committee, and send a copy to you, to the member [and to the Parish Council], make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10. Who are the Standards Committee?

The Standards Committee is a Committee of the Council. The Council has decided that it will comprise a maximum of 8 members of the Council, including not more than one member of the authority's Policy Board and comprising members drawn from different political parties. Subject to those requirements, it is appointed on the

nomination of party group leaders in proportion to the strengths of each party group of the Council.

The committee also includes 3 co-opted Parish Councillors who are not permitted to vote.

The Independent Person is invited to attend all meetings of the Standards Committee and his views are sought and taken into consideration before the Standards Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11. Who is the Independent Person

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is then appointed by a positive vote from a majority of all the members of Council.

12. Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the Standards Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to ensure the effective and fair consideration of any matter.

13. Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Standards Committee.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Appendix A - The authority's Code of Conduct

Appendix B - Procedure for Hearings

Appendix A - Code of Conduct

Code of Conduct for Members

The Northumberland County Council (“the Council”) has adopted the following code and which sets out the conduct that is expected of elected and co-opted members of the Council when they are acting in that capacity.

This means the code applies whenever you (a) conduct the business of the Council (including the business of your office as an elected councillor or co-opted member) or (b) act, claim to act or give the impression you are acting as a representative of the Council.

‘Co-opted member’ means any person who is a member of any committee or sub-committee of the Council with a right to vote but is not one of its elected members.

The code is intended to be consistent with Nolan’s Seven Principles of Public Life, and should be read in the light of those principles, namely that Council Members will act with selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Those Principles are not part of this Code but are set out in full at Annex 1 for information.

Part 1 – General conduct

1. You must treat others with respect, including Council officers and other elected members.
2. You must not bully any person (including specifically any Council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of this code of conduct.
3. You must not do anything which compromises or is likely to compromise the impartiality of anyone who works for or on behalf of the Council.
4. You must not conduct yourself in a manner which could reasonably be regarded as bringing the Council, or your office as a member of the Council, into disrepute.
5. You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person any advantage or disadvantage.
6. You must comply with any Protocol adopted by the Council which seeks to regulate the conduct of its elected members or co-opted members and which the Council has specifically declared should fall within the provisions of this code of conduct and which is listed in Annex 4 to this Code.
7. When using or authorising the use by others of the resources of the Council, you must act in accordance with the Council’s reasonable requirements (as set out in such protocol as it may adopt from time to time for these purposes) and must ensure they are not used for party political purposes.
8. You must not prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.

9. You must not disclose information which is given to you in confidence, or information which you believe or ought reasonably to be aware is of a confidential nature, unless:
- a) You have the consent of a person authorised to give it; or
 - b) You are required by law to do so; or
 - c) The disclosure is made to a third party for the purpose of obtaining professional advice, provided that the third party agrees not to disclose the information to any other person; or
 - d) The disclosure is reasonable and in the public interest and made in good faith.
10. Where you have been involved in making any decision by the Council which is subsequently subject to scrutiny by an overview and scrutiny committee of the Council, you must not take part in that scrutiny process except to the extent you may be invited by the committee to give evidence to, or otherwise assist, it. In this paragraph, 'scrutiny' means the formal examination of a policy or decision previously approved or taken by or on behalf of the Council in order to reach a view as to its merits or effectiveness.

Part 2 – Registration of interests

11. You must register in the Council's Register of Members Interests information about your registerable personal interests. In this code of conduct 'your registerable personal interests' means:
- a) any Disclosable Pecuniary Interest as set out in Annex 2;
- or
- b) any other interest held by you as set out in Annex 3.

You must register information about your registerable personal interests by giving written notice to the Monitoring Officer, who maintains the Register, within 28 days of:

- your appointment as a member of the Council; and
- any change taking place in your registerable personal interests.

(Note: Failure without reasonable excuse to register a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code)

12. Where you think that disclosure of the details of any of your registerable personal interests could lead to you, or a person connected with you, being subject to violence or intimidation, the Monitoring Officer may at your request make a note on the Register that you have a personal interest, details of which are withheld.

Part 3 – Non-registerable interests

13. You will have a non-registerable personal interest when you attend a meeting of the Council or Policy Board, or one of their committees or sub-committees, and you are, or ought reasonably to be, aware that a decision in relation to an item of business which is to be transacted might reasonably be regarded as affecting your well being or financial position, or the well being or financial position of a person described in paragraph 14 to a greater extent than most inhabitants of the area affected by the decision.

14. The persons referred to in paragraph 13 are:

- a) a member of your family;
- b) any person with whom you have a close association;
- c) in relation to persons described in (a) and (b), their employer, any firm in which they are a partner, or company of which they are a director or shareholder.

(Note:

- (a) "A member of your family" means: your partner (i.e. your spouse, civil partner or anyone with whom you live in a similar capacity); your parent or parent-in-law; any child, stepchild or sibling of you or your partner; your grandparent, grandchild, aunt, uncle, nephew or niece; and the partners of any of those people.
- (b) You have a "close association" with someone if your relationship is such that a reasonable member of the public might think you would be prepared to favour or disadvantage that person when deciding a matter which affects them).

15. When you attend a meeting of the Council or Executive, or one of their committees or sub-committees, and you are aware that you have a non-registerable interest in an item of business (as defined in paragraph 13) you must disclose that interest to the meeting before consideration of that item begins or (if later) when you become aware of the interest.

Part 4 - Non-Participation in Council Business

16. When you attend a meeting of the Council or Executive, or one of their committees or sub-committees, and you are aware that the criteria set out in paragraph 17 are satisfied in relation to any matter to be considered, or being considered at that meeting, you must:

- a) Declare that fact to the meeting;
- b) Not participate (or further participate) in any discussion of the matter at the meeting; and
- c) Not participate in any vote (or further vote) taken on the matter at the meeting;
- d) Leave the room whilst the matter is being discussed.

17. The criteria for the purposes of paragraph 16 are that:

- (a) You have a registerable or non-registerable personal interest in the matter which is such that a member of the public knowing the relevant facts would reasonably think it so significant that it is likely to prejudice your judgement of the public interest; **and either**
- (b) The matter will affect the financial position of yourself or one of the persons or bodies referred to in paragraph 14 or in any of your register entries; **or**
- (c) The matter concerns a request for any permission, licence, consent or registration sought by yourself or any of the persons referred to in paragraph 14 or in any of your register entries.

18. If a Council function can be discharged by you as a member acting alone and you are aware you have a registerable or non-registerable personal interest in any matter to be dealt with by in that way which meets the criteria set out in paragraph 17, you shall not deal with that matter in any way (except to enable it to be dealt with by someone else).

(Note: Failure, without reasonable excuse, to comply with paragraph 16 to 18 in relation to a Disclosable Pecuniary Interest is a criminal offence under section 34 Localism Act 2011 as well as being a breach of this code)

19. On a written request made to the Council's Monitoring Officer, the Council may grant a member a dispensation in respect of any interest described in that request which may relate to any registerable or non registerable interest. Requests for dispensations will be considered and, where appropriate, granted only in relation to the grounds and conditions set out in section 33 of the Localism Act 2011.

20. and/or paragraph 19

- (a) housing, where you are a Council tenant provided the matter does not relate particularly to your tenancy or lease;
- (b) school meals or school transport, where you are a parent or guardian of a child in full-time education or a parent governor of a school, unless the matter relates particularly to the school your child attends;
- (c) statutory sick pay where you are in receipt of, or entitled to receipt of, such pay;
- (d) an allowance, payment or indemnity given to members;
- (e) any ceremonial honour given to members; and
- (f) setting council tax or a precept under the Local Government Finance Act 1992.

Annex 1 to Code of Conduct

Nolan's Seven Principles of Public Life

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Honesty

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Annex 2 to Code of Conduct

Disclosable Pecuniary Interests

(as defined by Regulations made by the Secretary of State under section 30 Localism Act 2011)

Please Note: The following interests are Disclosable Pecuniary Interests if they are an interest of either (a) **yourself**, or (b) **your spouse or civil partner**, or (c) **a person with whom you are living as husband and wife**, or (d) **a person with whom you are living as if you were civil partners** (all of whom are referred to as “relevant persons”):-

Employment, office, trade, profession or vocation - Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship - Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts - Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council —

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land - Any beneficial interest in land which is within the area of the Council.

Licences - Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

Corporate tenancies - Any tenancy where (to your knowledge)—

- (a) the landlord is the Council; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities - Any beneficial interest in securities of a body where—

- (a) that body (to your knowledge) has a place of business or land in the area of the Council ; and
- (b) either—
 - i. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - ii. if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Note: In the above descriptions, the following words have the following meanings –

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Annex 3 to Code of Conduct

Other Registerable Personal Interests

The other interests which you must register under paragraph 11(b) of the code are:

1. Any body of which you are a member (or in a position of general control or management) to which you are appointed or nominated by the Council;
2. Any body which (i) exercises functions of a public nature or (ii) has charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a member (or in a position of general control or management);
3. Any person from whom you have received within the previous three years a gift or hospitality with an estimated value of more than £50 which is attributable to your position as an elected or co-opted member of the Council.

Note: These mean only your interests and not those of your spouse or civil partner

Annex 4 to Code of Conduct

Associated Protocols

The Council has adopted the following Protocols which are intended to regulate the conduct of its elected members or co-opted members and which the Council has specifically declared should fall within the provisions of this code of conduct pursuant to paragraph 6 of the code:

Guidance for Elected Members and Officers Dealing with Planning matters

Guidance for Elected Members Dealing with Licensing matters

Protocol on Member/Officer relations

Records and Information Management Policies

Acceptance Use Policy

Appendix B - Procedure for Hearings

Hearing Procedure

Interpretation

1. 'Member' means the person who is the subject of the allegation being considered by the Committee, unless stated otherwise. It also includes the Member's nominated representative.
2. 'Investigating Officer' means the Monitoring Officer, and/or the person appointed by the Monitoring Officer to undertake that investigation (which may include the Monitoring Officer) and his or her nominated representative.
3. 'Committee' means the Standards Committee of Northumberland County Council's.
4. 'Legal advisor' means the officer responsible for providing legal advice to the Committee. This may be the Monitoring Officer, if legally qualified, another legally qualified officer of the Authority, or someone appointed for this purpose from outside the Authority.
5. 'Code of Conduct' means Northumberland County Council's Code of Conduct for Elected Members and, in the case of Parish or Town Councillors, the Code of Conduct for Members applying to the relevant Town or County Council.
6. 'Reporting Officer' means the officer appointed by the Monitoring Officer to report on the allegation at any hearing.

Representation

7. The Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the Committee, another person.

Legal advice

8. The Committee may take legal advice, in private if necessary, from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Committee should be shared with the Member, the Reporting Officer and the Investigating Officer if they are present.

Non attendance by the Member

9. If the Member does not attend the hearing, the Committee may consider the Investigating Officer's report in the Member's absence. If the Committee is satisfied with the Member's reason for not being able to attend the hearing, it may arrange for the hearing to be held on another date. Where the Committee proceeds in the Member's absence, this procedure shall be adapted as necessary, giving any representative of the Member who is present such rights as would have been given to the Member.

Setting the scene

10. After everyone involved in the hearing have been formally introduced, the Chair should explain how the Committee is going to conduct the hearing.

Preliminary procedural issues

11. The Committee should then resolve any issues or disagreements about how the hearing should continue, which have not been resolved during the pre-hearing process.

Making findings of fact

12. After dealing with any preliminary issues, the Committee should then move on to consider whether there are any significant disagreements about the facts contained in the Investigating Officer's report.
13. If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.
14. If there is a disagreement, the Reporting Officer and/or the Investigating Officer, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committee's permission, the Reporting Officer and/or the Investigating Officer may call any necessary supporting witnesses to give evidence. The Committee may give the Member an opportunity to challenge any evidence put forward by any witness called by the Reporting Officer and/or the Investigating Officer by the cross-examination of the witness either directly by the Member (or his/her representative) or through the Chair.
15. The Member should then have the opportunity to make representations to support their version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.
16. At any time, the Committee may question any of the people involved or any of the witnesses, and may allow the Reporting Officer and/or the Investigating Officer to challenge any evidence put forward by witnesses called by the Member.
17. If the Member disagrees with most of the facts, it may make sense for the Reporting Officer and/or the Investigating Officer to start by making representations on all the relevant facts, instead of discussing each fact individually.
18. If the Member disagrees with any relevant fact in the Investigating Officer's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Committee will consider whether it would be in the public interest to continue in their absence.

After considering the Member's explanation for not raising the issue at an earlier stage and any comments of the Reporting Officer, the Committee may then:

- (a) continue with the hearing, relying on the information in the Investigating Officer's report;

- (b) allow the Member to make representations about the issue, and invite the Reporting Officer and/or the Investigating Officer to respond and call any witnesses, as necessary;
 - (c) postpone the hearing to arrange for appropriate witnesses to be present, or for the Investigating Officer to be present if they are not already.
19. The Committee will usually move to another room to consider the representations and evidence in private.
20. On their return, the Chair will announce the Committee's findings of fact.

Did the Member fail to follow the Code of Conduct?

21. The Committee then needs to consider whether, based on the facts it has found, and with the benefit of any advice from the Independent Person, the Member has failed to follow the Code of Conduct.
22. The Member should be invited to give relevant reasons why the Committee should decide that they have not failed to follow the Code of Conduct.
23. The Committee should then consider any verbal or written representations from the Reporting Officer and/or the Investigating Officer.
24. The Committee may, at any time, question anyone involved on any point they raise on their representations.
25. The Member should be invited to make any final relevant points.
26. The Committee, together with the Independent Person, will then move to another room to consider the representations.
27. On their return, the Chair will announce the Committee's decision as to whether the Member has failed to follow the Code of Conduct.

If the Member has not failed to follow the Code of Conduct

28. If the Committee decides that the Member has not failed to follow the Code of Conduct, the Committee can move on to consider whether it should make any recommendations to the Authority.

If the Member has failed to follow the Code of Conduct

29. If the Committee decides that the Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the Reporting Officer and/or the Investigating Officer and the Member and will consult with the Independent Person as to:
- (a) whether the Committee should apply a sanction;
 - (b) what form any sanction should take.
30. The Committee may question the Reporting Officer and/or the Investigating Officer and Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

31. The Committee will then deliberate in private to consider whether to impose a sanction on the Member and, if so, what the sanction should be.
32. The sanctions or other actions available to the Committee are set out in Annex 1.
33. On their return, the Chair will announce the Committee's decision.

Recommendations to the Authority

34. After considering any verbal or written representations from the Reporting Officer and/or the Investigating Officer, the Committee will consider whether it should make any recommendations to the Authority, with a view to promoting high standards of conduct among Members.

The written decision

35. The Committee will announce its decision on the day and provide a written decision within three working days.

Further information

36. At any stage prior to the conclusion of the hearing, the Committee may adjourn the hearing (on one occasion only) to require the Monitoring Officer to seek further information or undertake further investigation on any point specified by the Committee.

Annex 1 to Hearing Procedure

Sanctions and other actions

The Council has delegated to the Standards Committee such of its powers as can be delegated to take decision in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions include:

1. Issuing a formal warning letter or, where the matter relates to a Town or Parish Council, recommending the issue of the same to the relevant authority
2. Issuing a formal censure by the Committee or, where the matter relates to a Town or Parish Council, recommending the issue of the same to the relevant authority
3. Recommending to full council, or to the Town and Parish Council, the issue of a formal censure by the authority.
4. Referring its findings to Full Council (or to the Town or Parish Council) for information
5. Recommending to Full Council, or to the Town and Parish Council, that the member be removed from any or all Committees or sub-Committees (subject to the approval of the members Group if applicable)
6. Recommending to Full Council, or to the Town and Parish Council, that the member be removed from being the Chair or vice-chair of any Committees or sub-Committees
7. Recommending to the Leader of the Council that the member be removed from the Policy Board, or removed from particular Portfolio responsibilities
8. Recommending to Full Council, or to the Town and Parish Council, that the member be removed from all outside appointments to which s/he has been appointed or nominated by the authority
9. Instructing the Monitoring Officer to (or recommend that the Town or Parish Council) arrange training for the member
10. Recommending the withdrawal of facilities provided to the member by the Council, such as a computer, website and/or email and internet access
11. Recommending the exclusion of the member from council offices or other premises with the exception of meeting rooms as necessary for attending Council, Committee or Sub-committee meetings

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Northumberland County Council

STANDARDS COMMITTEE

21 APRIL 2023

Code of Conduct Complaints – Progress Report

Report of the Monitoring Officer

1. Purpose of report

1.1. 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. Please note this report is for noting only and there are no decisions to be made.

2. Recommendations

2.1. Members are requested to receive the report including the attached appendices 1 and 2.

3. Link to Corporate Plan

3.1. 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.

4. Key issues

4.1. On the 4th May 2022, full Council adopted a revised Code of Conduct for Elected Members following a recommendation from this Standards Committee.

4.2. The Council’s Standards Committee adopted the process/arrangements for the determination of complaints of breach of Code of Conduct by Members on the 1st July 2012. These were amended and adopted by at Full Council on the 2nd April 2014.

4.3. The authority has responsibility for complaints relating to Parish and Town Councillors in Northumberland as well as for NCC County Councillors.

4.4. The progress and status of each complaint received by the authority from 1st January 2020, thus far, is shown in the attached table.

5. Background

- 5.1. 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.
- 5.2. 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 as per the agreed resolution.
- 5.3. On 18th 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.
- 5.4. 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.
- 5.5. Appendix 1 - illustrates the trends of complaints received since 2020. The Committee will note that in recent months, the number of live complaints has reduced significantly to 16 as of 12th April 2023.
- 5.6. Appendix 1 also highlights the complaints received by type and Members will note that bullying and harassment has been the type of conduct most frequently complained about. Trends are useful in ensuring that the Monitoring Officer's (MO) team delivers targeted training to Members going forward.
- 5.7. A table is attached as Appendix 2 which shows those complaints outstanding, any complaints which have been resolved since the Committee last met on 13th October 2022. This information was also presented to the LGA Advisory Challenge Board earlier this month. It is proposed at future Committees, to bring data relating to the current municipal year. The MO team will also keep a record of matters reported to them which are of concern from a conduct perspective but fall short of being reported as complaints. This is to assist with monitoring ethical standards and delivering targeted training to Members.

6. Summary of Current Position Regarding Outstanding Complaints

6.1. As of the 12th April 2023 the Council currently has 16 outstanding complaints these include Parish and NCC matters.

The status of these can be summarised as follows:

- 6.1.1. Six have met the threshold for further investigation and informal resolution is being explored between the parties
- 6.1.2. One has been investigated and local resolution is being explored
- 6.1.3. One has been investigated and we are awaiting a revised report from the Investigating Officer
- 6.1.4. One is currently being investigated by Council officers
- 6.1.5. Two are awaiting comments from the Independent Person
- 6.1.6. Four are awaiting comments from the subject Member
- 6.1.7. One is awaiting further information from the complainant

Implications

Policy	The local determination of alleged breaches of the Code of Conduct is a statutory requirement
Finance and value for money	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
Legal	The Localism Act 2011 states that arrangements must be put in place for the Council to consider code of conduct complaints.
Procurement	None
Human Resources	None
Property	None
Equalities (Impact Assessment attached)	The Code of Conduct supports the Council's policies on equalities in service delivery

Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
Risk Assessment	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.
Crime & Disorder	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.
Customer Consideration	The Code of Conduct is consistent with and reinforces the Council's approach to customer relations.
Carbon reduction	None
Health and Wellbeing	N/A
Wards	All

Appendices

Appendix 1 – Illustrations of the trends and types of complaints received.

Appendix 2 - A table updating the status of complaints since the Committee last met on 13th October 2022.

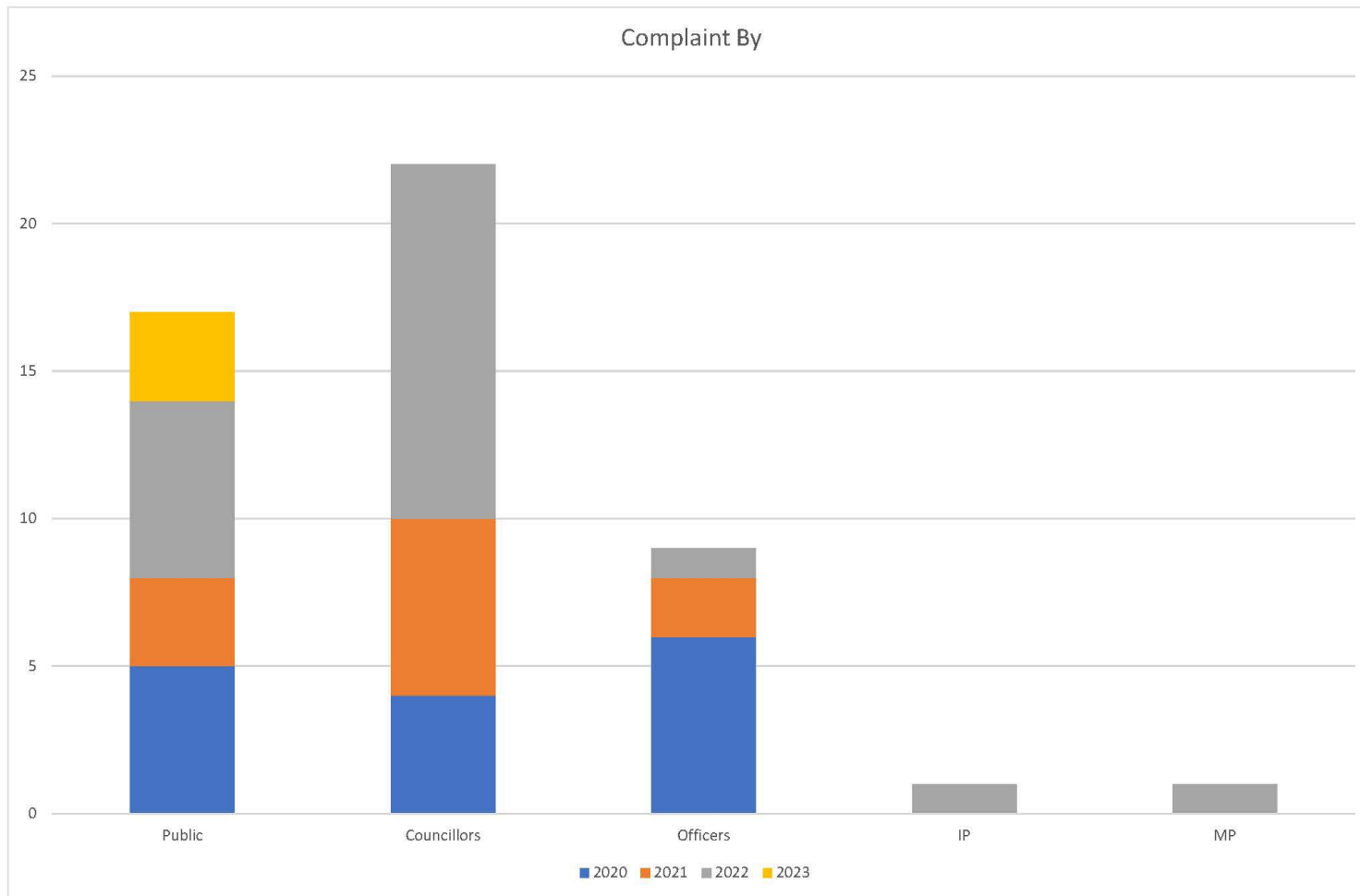
Background papers

N/A

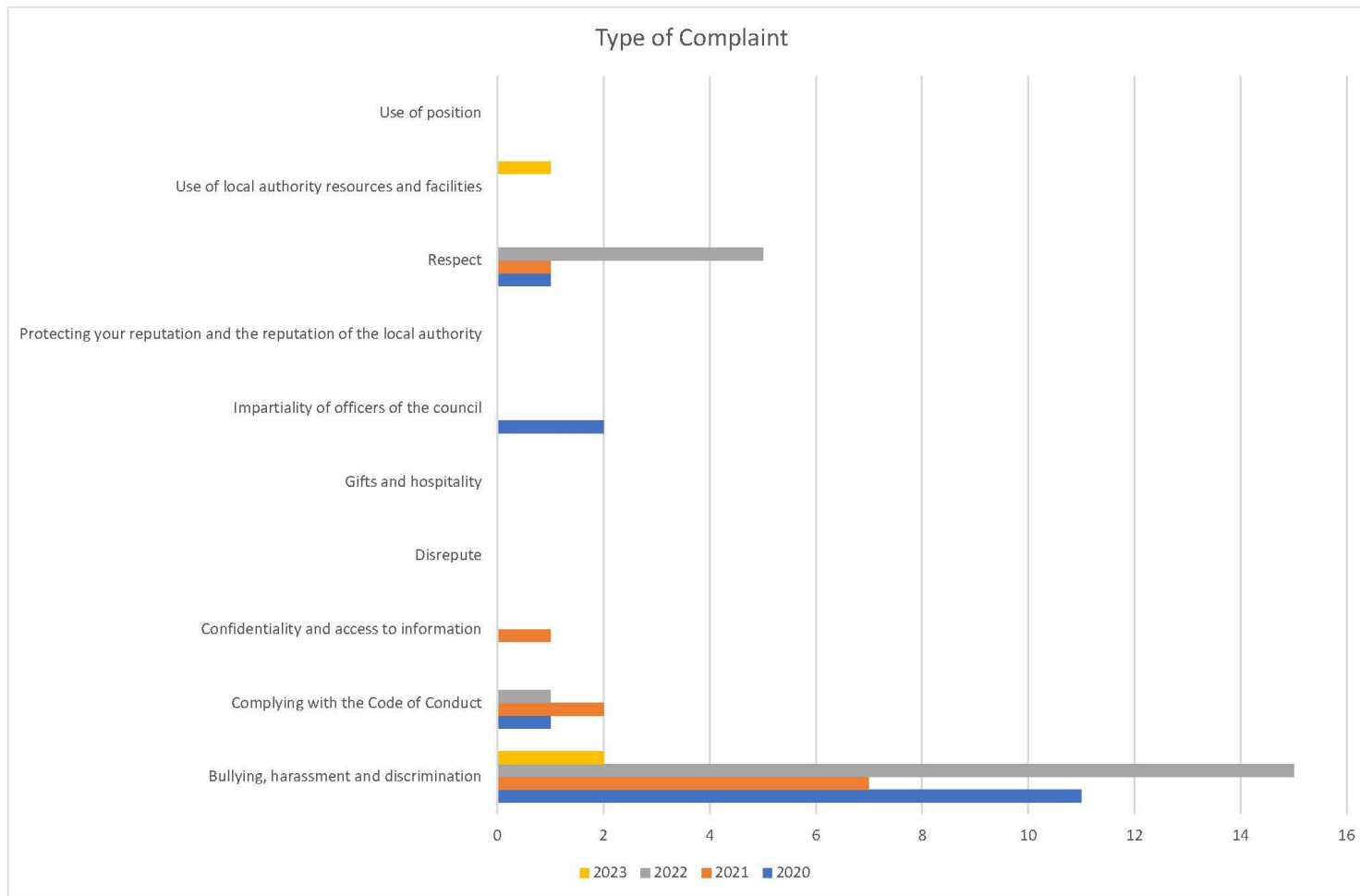
Author and Contact Details

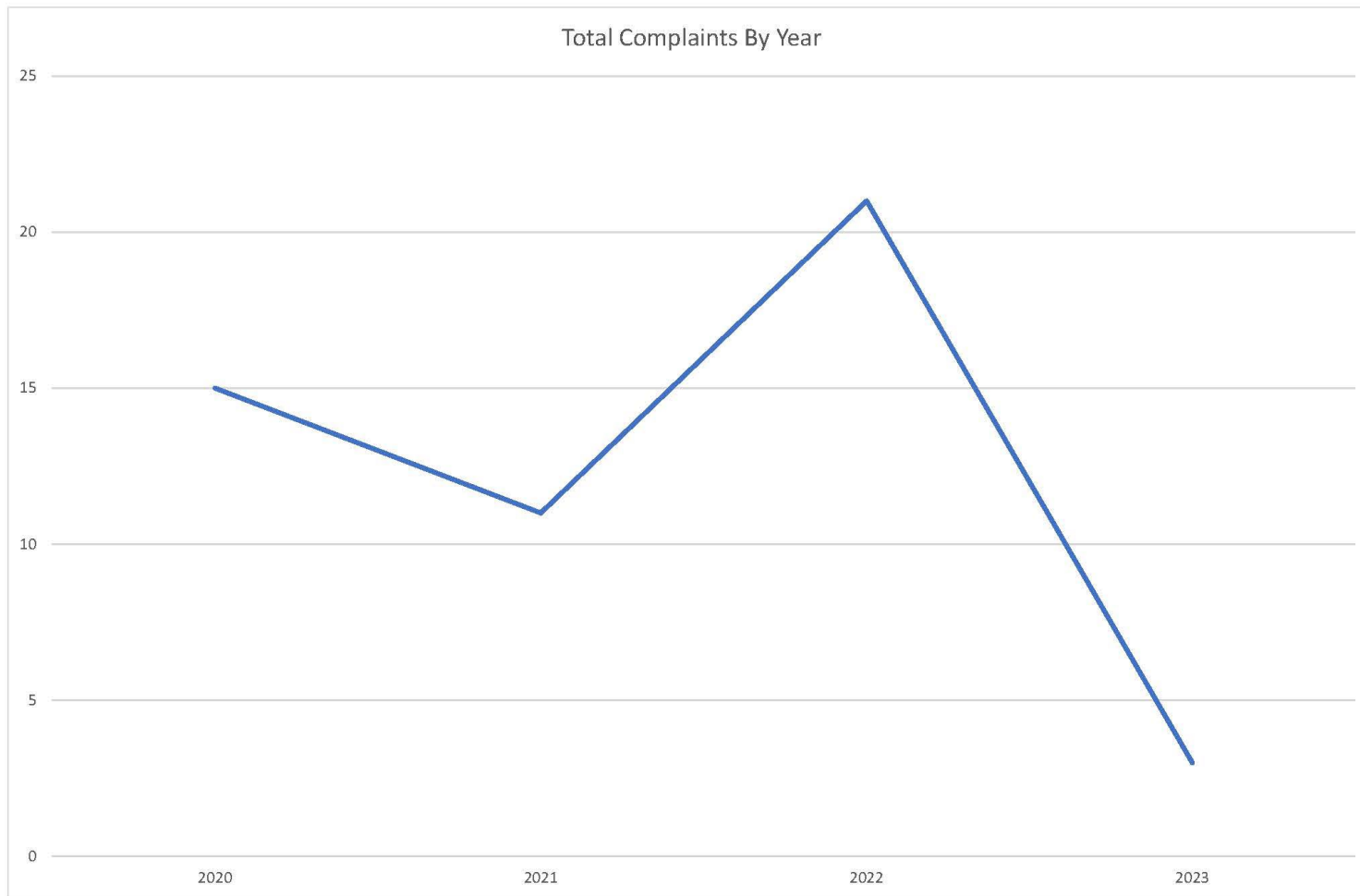
Neil Masson – Deputy Monitoring Officer
Telephone - 01670 623314
Email: neil.masson@northumberland.gov.uk

Appendix 1 – Illustrations of the trends and types of complaints received.



Appendix 1 – Illustrations of the trends and types of complaints received.





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Appendix 2 - A table updating the status of complaints since the Committee last met on 13th October 2022.

Reference	Date of complaint	Type of Complaint	File Status	Current Status/Outcome	Date closed
2020 closed complaints					
NCC 18/20	31/10/20	County Council	Closed	Investigation concluded no breach – No Further Action (NFA) October 2022 - Investigator disaggregated reports after one complainant withdrew evidence. Disaggregated report concluded no breach on 5 Jan 2023. VWV Solicitors assessed this as satisfactory on behalf of Monitoring Officer on 9 Feb 2023. Subject Member and complainant informed of NFA on 9 Feb 2023.	09/02/23
Page 59 NCC 22/20	19/10/20	County Council	Closed	Investigation concluded no breach -NFA. October 2022 report was disaggregated. Final disaggregated report received in January 2023. VWV Solicitors assessed the investigation report on behalf of Monitoring Officer on 9 Feb 2023 and identified gaps, accordingly, the report was sent back to investigator to review. Disaggregated report concluded no breach on 13 April 2023. VWV assessed this as satisfactory on behalf of Monitoring Officer on 13 April 2023. Subject Member informed of NFA on 13 April 2023. Complainant not informed owing to on-going disengagement.	13/01/23 - subject to formal decision letter to be sent
	NCC 23/20	19/10/20	County Council	Closed	First part of the complaint concluded after investigation and there was no evidence of breach of code. Second part of complaint concluded after investigation and found there was a breach of the code of conduct of failure to update declarations of interest register. In accordance and with following NCC locally agreed how to handle/manage complaints procedure and, after seeking advice from VWV Solicitors, a local resolution by way of an apology was appropriate.
2022 closed Complaints					
NCC 06/22	03/02/22	County Council	Closed	First allegation in complaint failed to reach threshold for investigation as insufficient evidence to support complaint. Second allegation already resolved in previous complaint. Third allegation in complaint resolved by local resolution by way of apology.	23-Jan-23 –
NCC 18/22	21/03/22	Parish Council	Closed	Local Resolution - Advice/Training given	09-Nov-22
NCC 28/22	18/03/22	County Council	Closed	Failed to meet threshold for investigation - Insufficient evidence to support complaint - NFA	28-Nov-22

Appendix 2 - A table updating the status of complaints since the Committee last met on 13th October 2022.

NCC 42/22	10/04/22	Parish Council	Closed	Local Resolution - Advice/Training given	28-Nov-22
NCC 43/22	10/05/22	County Council	Closed	Failed to meet threshold for investigation - insufficient evidence provided to support complaint – NFA	24-Nov-22
NCC 45/22	02/11/22	Parish Council	Closed	Failed to meet threshold for investigation - no evidence to support complaint – NFA	15-Feb-23
NCC 46/22	11/04/22	County Council	Closed	Failed to meet threshold for investigation - matter has already been resolved by apology- NFA	22-Nov-22
NCC 47/22	11/04/22	Parish Council	Closed	Failed to meet threshold for investigation - matter has already been resolved by apology - NFA	22-Nov-22
NCC 48/22	29/11/22	Parish Council	Closed	No jurisdiction - NFA. Does not relate to role as a Councillor	07-Feb-23
2022 ongoing Complaints					
Page 60	NCC 02/22	County Council	Open	Assessment completed on 20 September 2022 - Additional IP appointed on the 2 November 2022 IP Agreed with assessment on 4 March 2023 that threshold assessment for further investigation completed and parties informed on 14 March 2023 - consulted external lawyers for further legal support as local resolution is being sought. Will be meeting with external lawyer after easter break.	
	NCC 09/22	County Council	Open	Assessment completed on 20 September 2022 - Additional IP appointed on the 2 November 2022 IP Agreed with assessment on 4 March 2023 that threshold assessment for further investigation completed and parties informed on 14 March 2023 - consulted external lawyers for further legal support as local resolution is being sought. Will be meeting with external lawyer after easter break	
	NCC 10/22	County Council	Open	Assessment completed on 20 September 2022 - Additional IP appointed 2 November 2022. IP Agreed with assessment on 4 March 2023 that threshold assessment for further investigation completed and parties informed on 14 March 2023 - consulted external lawyers for further legal support as local resolution is being sought. Will be meeting with external lawyer after easter break.	
	NCC 13/22	County Council	Open	Assessment completed on 20 September 2022 - IP appointed on the 2 November 2022 - IP Agreed with assessment on 4 March 2023 that threshold assessment for further investigation completed and parties informed on 14 March 2023 - consulted external lawyers for further legal support as local resolution is being sought. Will be meeting with external lawyer after easter break.	

Appendix 2 - A table updating the status of complaints since the Committee last met on 13th October 2022.

NCC 15/22	03/03/22	County Council	Open	Assessment completed on 20 September 2022 - IP appointed 2 November 2022 - IP Agreed with assessment on 4 March 2023 that threshold assessment for further investigation completed and parties informed on 14 March 2023 - consulted external lawyers for further legal support as local resolution is being sought. Will be meeting with external lawyer after easter break.	
NCC 34/22	05/04/22	County Council	Open	Assessment completed on 20 September 2022 - IP appointed 2 November 2022 - IP Agreed with assessment on 4 March 2023 that the threshold assessment for further investigation completed and parties informed on 14 March 2023 - consulted external lawyers for further legal support as local resolution is being sought. Will be meeting with external lawyer after easter break	
NCC 36/22	06/11/22	Parish Council	Open	Met threshold for further investigation. Investigation ongoing.	
2023 closed Complaints					
NCC 03/23	17/02/23	County Council	Closed	No further action - complaint is a service complaint	17/02/23
NCC 06/23	27/03/23	Parish Council	Closed	No jurisdiction - NFA. Does not relate to role as a Councillor	04/05/23
2023 ongoing Complaints					
NCC 01/23	28/01/23	Parish Council	Open	Comments received from all parties. Sent to IP on 5.04.23. Await views of IP before concluding threshold test.	
NCC 02/23	02/02/23	County Council	Open	Have received comments from all parties. Sent to IP on 21.03.23. Await views of IP before concluding threshold assessment.	
NCC 04/23	24/02/23	Parish Council	Open	Awaiting further information from complainant - expected by 17.03.23 Further email to complainant; gentle reminder request for further information - expected by 14.04.23 - if no reply matter will be closed	
NCC 05/23	01/03/23	Parish Council	Open	Clarification provided by complainant on grounds for complaint. Sent to Subject Member for comment before consulting IP and carrying out threshold assessment. Comments expected by 25.04.23	
NCC 07/23	29/03/23	County Council	Open	Awaiting comments from subject member - comments expected by 21.04.23	

Appendix 2 - A table updating the status of complaints since the Committee last met on 13th October 2022.

NCC 08/23	22/03/23	County Council	Open	Awaiting comments from subject member - comments expected by 25.04.23	
NCC 09/23	06/04/23	County Council	Open	Awaiting comments from subject member - comments expected by 25.04.23	



Northumberland County Council

STANDARDS COMMITTEE

DATE: 21ST APRIL 2023

TITLE: SECTION 32 OF THE LOCALISM ACT 2011 - DISPENSATIONS

Report of the Monitoring Officer

1. Purpose of report

- 1.1 Following a number of concerns raised by Members in relation to the requirements relating to the publication (on the Council's website) of Members addresses on the Declaration of Interests Register, this report considers the current position and sets out a number of options for Members consideration.
- 1.2 Section 32 of the Localism Act 2011 provides a mechanism for the granting of a dispensation to exclude sensitive interests from the Authority's register in certain instances as set out in the body of this report.

2. Recommendations

It is recommended:

- 2.1 To consider the options as set out in paragraph 5 of this report and agree to consult all Members on the three options as set out in paragraph 5.
- 2.2 That the outcome of the consultation is reported back to this Committee.

3. 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.

4. Key issues

- 4.1 The issue of elected Members safety has been a discussion point at both national and local level and one matter which has been a focal point is the publication of elected Members' addresses.

- 4.2 Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of disclosable pecuniary interests, such register being a public document should be made available for inspection and published on the Council website. The definition of disclosable pecuniary interests includes any beneficial interest they may have in any land within the County. This will require them to disclose the address of any property they occupy as their residence, where that property is owned or rented by them. The fact that these details will then be published and available to Members of the public has given rise to safety concerns amongst some Members.
- 4.3 Section 32 of the Localism Act 2011 provides a mechanism for the granting of a dispensation to exclude sensitive interests from the Authority's register where the elected Member and the Monitoring Officer consider such disclosure could lead to the elected Member, or someone connected with them, being subject to violence or intimidation.

Publication of Members' addresses was also discussed within the 2019 report by the Committee on Standards in Public Life who made the following recommendation: -

"The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests."

The Government response to this recommendation was: -

"This issue was brought up in the Committee's work on intimidation in public life, and the Government has already taken forward several steps in this regard. The Government is open and receptive to further steps to help prevent intimidation. The Government agrees with the principle behind this recommendation – which safeguards elected representatives - and considers amending the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 would be an option to achieve it. The Government will engage with interested parties on the best means to ensure that candidates and councillors are not required publicly to disclose their home address. Notwithstanding, it is important that home addresses are internally registered with monitoring officers, to help avoid conflicts of interest."

- 4.4 There are several Local Authorities across the Country who already use the dispensation within the Localism Act 2011 that do not publicly publish the addresses of either some or all Members. The 2019 Committee on Standards in Public Life report references the City of Westminster Council's approach of a guidance note to all Members detailing an agreement by their Standards Committee to omit addresses from the published version of the Register of Interests. In each of the Authorities where addresses are not published, a record of the sensitive interest is held by the Monitoring Officer and any resulting pecuniary interest is declared publicly but the details of the interest are not.

5. Options for consideration

There are 3 options for Members' consideration: -

- 5.1 Make no changes to the way the Council approaches the disclosure of Members' addresses on the public register – Northumberland's current approach is in keeping with most Authorities across the country;
- 5.2 Remind all Members about the possibility of applying for their details to be considered as sensitive interests and then apply a dispensation in respect of any and all Members who request that the details of their address are not made publicly available.
- 5.3 To apply a blanket policy whereby all Members' addresses are treated as sensitive interests and not made publicly available. This is the approach already taken by some authorities including City of Westminster Council. Ultimately, whether to treat an interest as a sensitive interest is a matter for the Member concerned and the Monitoring Officer to determine in accordance with S32(1)(b) Localism Act 2011.

It is recommended that it would be appropriate to consult with Members generally in relation to the proposed options and the outcome reported back to this Committee.

Implications

Policy	N/A
Finance and value for money	There are no direct financial implications associated with this report.
Legal	The Localism Act 2011 covers disclosure of Members interests. All other legal implications have been incorporated within the body of this report.
Procurement	None
Human Resources	None
Property	None
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A /	Consideration of risks to Members safety supports the Council's policy on equalities.
Risk Assessment	Risk assessments are refreshed annually, and the issue of Member safety is considered as part of this process.
Crime & Disorder	None

Customer Consideration	None
Carbon reduction	N/A
Health and Wellbeing	Ensuring Members are adequately safeguarded supports their health and wellbeing.
Wards	All

Background papers

Local Government Ethical Standards, A Review by the Committee on Standards in Public Life, 2019 [Local Government Ethical Standards January 2019 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/401147/local-government-ethical-standards-january-2019.pdf)

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