



Northumberland

County Council

Your ref:
Our ref:
Enquiries to: Lesley Bennett
Email:
Tel direct: 01670 622613
Date: 5 October 2022

Dear Sir or Madam,

Your attendance is requested at a meeting of the **STANDARDS COMMITTEE** to be held in the **COUNCIL CHAMBER, COUNTY HALL, MORPETH** on **THURSDAY, 13 OCTOBER 2022** at **2.00 PM.**

Yours faithfully

Rick O'Farrell
Interim Chief Executive

To Standards Committee members as follows:-

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



Rick O'Farrell, Interim 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 14 July 2022, as circulated, to be confirmed as a true record, and signed by the Chairman.
- 4. UPDATE ON ONGOING INVESTIGATIONS** (Pages 5 - 20)

The purpose of this report is to update Committee Members on the current position and developments regarding complaints against three members which the Committee considered at its previous meeting on the 14th July 2022.
- 5. APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES** (Pages 21 - 28)

The purpose of this report is to update members on the recruitment process for three Parish Council representatives to the Standards Committee. The Interview Panel should have interviewed all three Parish Councillors who expressed an interest by the date of the Standards Committee and will report their decision on the final candidate to the Committee.
- 6. APPOINTMENT OF ADDITIONAL INDEPENDENT PERSONS** (Pages 29 - 32)

To update Members on the recruitment process for two additional Independent Persons. Candidates will have been interviewed by the date of the meeting and the recommendations will be reported to the meeting.
- 7. CODE OF CONDUCT COMPLAINTS - PROGRESS REPORT** (Pages 33 - 40)

To receive a report on the progress with complaints received by the authority under the new arrangements adopted by the authority for dealing with standards allegations under the Localism Act 2011.
- 8. URGENT BUSINESS (IF ANY)**

To consider such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.
- 9. DATE OF NEXT MEETING**

The next scheduled meeting will be held on Thursday, 12 January 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 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.
Contracts	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 — (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 and Property	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.
Licenses	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 the councillor’s knowledge)— (a) the landlord is the council; and

	(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.
Securities	Any beneficial interest in securities* of a body where— (a) that body (to the councillor’s 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 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.

* ‘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

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> 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 <ul style="list-style-type: none"> i. exercising functions of a public nature
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- 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)

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NORTHUMBERLAND COUNTY COUNCIL

STANDARDS COMMITTEE

At a meeting of the **Standards Committee** held in the Council Chamber, County Hall, Morpeth on Thursday, 14 July 2022 at 2.00 pm.

PRESENT

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

COUNTY COUNCILLORS

Bridgett, S.	Gallacher, B. (substitute)
Cessford, T.	Grimshaw, L.
Dunn, L.	Reid, J.
Flux, B.	Stewart, G.
Hardy, C. (substitute)	

ALSO IN ATTENDANCE

Broadfoot, S	QC
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OFFICERS

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

22. MEMBERSHIP AND TERMS OF REFERENCE

The membership and terms of reference were noted.

The Chair reported that Councillors C. Hardy and B. Gallacher were attending the meeting as substitutes for Councillors Towns and Wilczek.

23. APOLOGIES FOR ABSENCE

Apologies were received from Councillors D. Towns and R. Wilczek.

24. MINUTES

RESOLVED that the minutes of the meeting of the Standards Committee held on Thursday, 10 February 2022, as circulated, be confirmed as a true record and signed by the Chair.

REPORT OF THE MONITORING OFFICER

25. APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES AND ADDITIONAL INDEPENDENT PERSONS TO THE STANDARDS COMMITTEE – NOTE OF CHANGE TO THE INTERVIEW PANEL

It was reported that Councillor A. Wallace who had been appointed to both of the interview panels was no longer a member of the Standards Committee. His place on the interview panels would be taken by Councillor L. Dunn.

RESOLVED that the appointment of Councillor L. Dunn to the interview panels with regard to the appointment of the three Parish Council representatives and the appointment of two additional Independent Persons, be ratified.

26. PRELIMINARY HEARING

The Chair introduced Samantha Broadfoot, QC, to the meeting. Ms. Broadfoot would provide independent legal advice to the Standards Committee.

Neil Masson, Deputy Monitoring Officer, reported that there were three Code of Conduct complaints that had been investigated and would progress to a local hearing. Following the Caller Report and S.114 report there was now an issue as to whether these should continue to a local hearing or not. This type of decision was normally made by the Monitoring Officer, but due to the nature of these items, the function had been delegated to Mark Heath of VWV acting for the Monitoring Officer. He had decided to refer this decision to the Committee. If the Committee decided to proceed, then the next step would be to hold a full preliminary hearing to decide on those matters that needed determination before the local hearing could be heard.

Ms. Broadfoot stated that she had been instructed by Mark Heath, external Monitoring Officer, and author of the report before Members. She explained that she disagreed with what had been suggested as possible in the report. She made the following points:-

- She appreciated the thinking behind the proposal in the report. She had read the Caller and S.114 reports which identified governance difficulties and referred to the Code of Conduct system being misused by some people at various points, and the desire to re-set and for the Council to move forward.
- There were difficult legal questions here as there was no precedent. The County Council was in a unique position.

Ms. Broadfoot reported that she had drawn the following conclusions:-

- There were several stages in the local arrangements required by the Localism Act, from the receipt of the complaint, the investigation if required, then the next steps by the Monitoring Officer
 - If there was no evidence of potential breach and the Monitoring Officer was satisfied this was the case, then no further action was required.
 - If there was evidence of a potential breach, then the Monitoring Officer would either seek local resolution or move to a local hearing.
- A local resolution was not appropriate in this particular situation.
- Under the local arrangements, the Monitoring Officer had the discretion not to move to a local hearing if they were of the opinion that
 - the nature of the failure to comply with the Code of Conduct did not justify the time and cost of a local hearing, or
 - for other reasons particular to the complaint.
- The Standards Committee was being asked to consider whether there were reasons particular to these complaints which meant that the process should be stopped.
- Mark Heath had set out the reasons why he felt that the process should be stopped. This was because the Caller Report stated that there had been excessive and inappropriate use of the Code of Conduct procedure. There had been inappropriate complaints by Senior Officers against Members and that these were sufficient reasons particular to the complaint to take this decision.
- She did not agree with this analysis. She did not feel that the reasons given were particular to the complaints and were just general reasons. The Caller Report did not say that all of the complaints had been inappropriate and unless Members knew more about these complaints, then Members could not legally exercise that discretion as they did not have the necessary information.
- Under the arrangements, this discretion would normally be exercised by the Monitoring Officer. The Monitoring Officer would know exactly what was in the reports as they would have read the Investigation Report before deciding what to do.
- She added that it was not unusual for two lawyers to disagree.

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

- Ms. Broadfoot stated that she had deliberately not seen the contents of the three complaints and did not know who the complainants were or the Subject Members. All she knew was what Members had also been told within the Committee report. Members were being asked to make a decision on a matter of principle and so she had taken the same view for herself.
- The only people who knew the contents of the investigation report were the Monitoring and Deputy Monitoring Officers, the Subject Member and Complainant.
- The Standards Committee would need to know the contents of the

- investigations before deciding whether to move on to a Hearing.
- The cost of the three investigations was not currently to hand.
- The contents of the reports would remain confidential until any Hearing was held. The parties involved were expected to adhere to that request. There could never be any guarantee about what a person may do, however.
- Regardless of the contents of the Caller Report, the Standards Committee had the power not to send a matter for local Hearing as this was contained in the local arrangements. The issue was whether or not there were circumstances particular to these complaints and that was where this power could be exercised. Mr. Heath's argument was that there was sufficient information in the Caller Report to say that the reasoning in the Caller Report was particular to these reports. Even without the Caller Report it was possible that the Monitoring Officer may have decided not to progress to Hearings.

Members were in agreement that the three complaints should progress to a Local Hearing.

It was proposed by Councillor J. Reid, seconded by Councillor L. Dunn and unanimously **RESOLVED** that the three Code of Conduct complaints should continue to a local Hearing.

27. CODE OF CONDUCT COMPLAINTS – PROGRESS REPORT

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

Members suggested that more information be provided which may show a pattern such as the same person making multiple complaints. The Chair stated that it was planned to review the system and how it was operated, and Members' views would be taken into account. Ms. Broadfoot added that the desire for this type of information was understood, however, it was important to ensure that future complaints were not prejudiced and that some of the complaints may be valid.

RESOLVED that the report and Members' comments be noted.

28. DATE OF NEXT MEETING

The next meeting will be held on Thursday, 13 October 2022 at date to be confirmed.

CHAIR.....

DATE.....



Northumberland County Council

REPORT FOR STANDARDS COMMITTEE

DATE: 13TH OCTOBER 2022

UPDATE ON ONGOING INVESTIGATIONS

REPORT OF THE MONITORING OFFICER

Purpose of report

The purpose of this report is to update Committee Members on the current position and developments regarding complaints against three members which the Committee considered at its previous meeting on the 14th July 2022.

Attached (marked as appendix 1) is Samantha Broadfoot's KC, the independent legal advisor to the Standards Committee, report setting out the circumstances, reasons, the key issues and analysis for the recommendation before Members.

Recommendations

1. To receive the legal advice from Ms Samantha Broadfoot KC, appended to this report as appendix 1; and
2. That the Committee resolve to rescind their resolution of 14th July 2022 that the three Code of Conduct complaints should continue to a local hearing.

Link to Corporate Plan

This report is relevant to the "How" priority included in the NCC Corporate Plan.

Key issues

- The Standards Committee received a report at its last meeting on the 14th July 2022 concerning sets of complaints against three members which have been the subject to investigation.
- Members resolved at that meeting that the matters should proceed to local hearing.
- However, since that date there has been a significant change of circumstances regarding one of the complainants in these matters.
- Leading Counsel has been asked to advise on how this affects the decision of this Committee on the 14th July 2022 and the legal advice is attached to this report marked as an Appendix 1.

Background

As set out in the attached (appendix 1) legal report received from the Standards Committee independent legal advisor, Samantha Broadfoot KC.

Implications

Policy	N/A
Finance and value for money	Members are under a duty to consider the costs of all aspects of dealing with standards complaints. Hearing processes have a cost though this cannot be quantified at this time.
Legal	These are as set out in the report.
Procurement	N/A
Human Resources	N/A
Property	N/A
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	This has been considered and there are no known consequences
Risk Assessment	N/A
Crime & Disorder	N/A
Customer Consideration	N/A
Carbon reduction	N/A
Wards	All

Appendix 1

Report From Samantha Broadfoot KC, Independent Legal Advisor to The Standards Committee

Background papers:

N/A

Linked and relevant reports

Report received by the Standards Committee on the 14th July 2022 - agenda item 6 - Preliminary Hearing report.

Report sign off.

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

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

Author and Contact Details

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REPORT FROM SAMANTHA BROADFOOT KC
INDEPENDENT LEGAL ADVISOR
TO THE STANDARDS COMMITTEE

Introduction

1. I have been instructed as the Independent Legal Advisor to the Standards Committee in respect of 3 Code of Conduct complaints.
2. I last appeared before this Committee on 14 July 2022 in relation to the same complaints. At that stage the Committee was being asked to determine whether or not complaints against 3 councillors should be referred to a local hearing or whether, as a result of the findings in the Caller Report, the complaints against the 3 Members should be brought to an end by the exercise of the Committee's discretion under §7.2 of the Council's Local Arrangements. The Committee were not given details of the complaints and were told that the complaints were from senior Officers against Members (1 included a councillor as a co-complainant). A careful and considered report from Mark Heath, VWV Solicitors on behalf of the Monitoring Officer, was included in the information papers. This set out the background. A copy is attached for ease.
3. I was instructed to attend the meeting as an independent legal advisor.
4. The question that the Committee had to answer turned on the precise interpretation of the power it had under the Council's Local Arrangements. As discussed at that meeting, there is a power, under paragraph 7.2 of the Local Arrangements, to bring the complaints to an end (and not refer them on to a local hearing) in certain circumstances. That power can be exercised if the decision maker "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".
5. My legal advice was that in order to lawfully exercise this power, the decision maker (which in this case was the Committee) was required to know enough about the detail of the complaints to make that decision. My legal advice was that because the Committee

did not have that information, it could not lawfully exercise the power to bring those complaints to an end. Accordingly, my advice was that the choice before the Committee was: 1) pass a resolution setting up a sub-committee who would consider the merits and then decide whether to exercise the §7.2 power to bring the complaints to an end (or send the case to a local hearing); or 2) send the matter to a local hearing because, in effect, there was no other option given where we were in the process. Option 1 did not find any support, and the Committee resolved for the complaints to go forward to a local hearing.

Purpose of report

6. The purpose of this report is to update the Committee on significant recent developments which mean that there is a very strong argument that this decision should be revisited and rescinded. This is an issue for the Committee to determine.

Recommendations

- i. That the Committee resolve to rescind their resolution of 14 July that the three Code of Conduct complaints should continue to a local hearing.

Key issues

7. Complaints were made against 3 Members that they had breached the Council's Code of Conduct. These complaints were investigated. The complaints against each of the Members (who I will call A, B and C) were brought by the former Chief Executive, Daljit Lally and another senior officer. The complaint against C also involves a complaint brought by another Member. The names of the other complainants or those complained about are not relevant for present purposes.
8. The position is now that Mrs Lally has withdrawn all her complaints and has stated that she wishes to move on from the disputes between herself and members.
9. In light of those developments, the other officer has been asked about their position in order to ascertain whether their complaints are still being pursued. After an ambiguous response at the end of August, they have been written to again. Specifically, they have been asked whether they still want to pursue their complaints and whether, if they were invited to give evidence to the Committee (if the matter proceeded to a full hearing), they would do so. At the time of writing no answer has been received.
10. The Member who has made a complaint in relation to C, wishes to pursue the matter.

11. A very significant part of the complaints involve allegations made by and relating to Mrs Lally. As a result of the settlement agreement with her, these parts are now withdrawn. What is left is considerably less.
12. In practical terms the various parts of the complaints now all need to be separated out and, as a matter of process, revised investigation reports need to be put to the outstanding complainants before the matters could proceed further.
13. The withdrawal of Mrs Lally's complaints give rise to a fundamental change in circumstances. The currently ambiguous position of the other senior officer adds to that. Procedurally the cleanest and fairest option is for the Committee to rescind the July resolution to send the 3 complaints forward to a local hearing.
14. This will enable the complaints to be properly disaggregated and then a decision can be taken, in accordance with the Local Arrangements, on how best to proceed with what is left. It may be that once this is done, it becomes clear that the right course would then, for example, for local resolution rather than referring the matter to a hearing.

Background

15. Members of the Committee will be more than familiar with the recent report from the CFO under s114 Local Government Finance Act 1988 and the Caller Report.
16. The s114 report from the CFO referred to unlawful expenditure and recommended that a full, independent investigation be carried out into the unlawful expenditure which was unanimously agreed by Councillors at Full Council on 8th June 2022.
17. The Caller Report, which was also present to Full Council on 8th June 2022, makes three particular references to Code of Conduct matters:

“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 ...’* It has also commanded excessive resource to undertake investigations, produce reports and resolve.”

18. The findings of the Caller review were unanimously accepted by Full Council at the meeting of 21 June 2022 and steps were laid down to implement the various recommendations.
19. On 27 July 2022 there was a meeting of the Full Council in order to discuss and consider (amongst other things) the proposed settlement with the former Chief Executive. At that meeting the Full Council approved the Heads of Terms of settlement with the former Chief Executive. The Heads of Terms included the undertaking that all her complaints against the Council and its members would be withdrawn. This has now occurred. The Heads of Terms also included an express acknowledgement that the settlement between her and the Council was intended to “draw a line under all of the issues that have emerged between them” and “to ensure that both parties can move forward with dignity”.

Analysis

20. The position before the Committee is as follows:
 - a) Given the legal advice given on 14 July, the Committee, once it had rejected the idea of setting up a sub-committee to consider the issue on the full facts, had little choice but to send the three complaints forward. This is so given the stage of the process, the terms of the Local Arrangements and the information before them.
 - b) At that stage there were complaints in existence that were, on the face of it, being supported by the people who had made those complaints.
 - c) The position is now fundamentally different. Significant parts of the complaints have been withdrawn and it may be, depending on the outcome of correspondence with the other senior officer, that they are all withdrawn, with the exception of one aspect that is being pursued by a councillor in respect of one complaint.
 - d) To seek to proceed to a hearing on the basis of the resolution of 14 July:

- i) Would run contrary to the thrust of Caller Report which called for a fundamental re-set and certainly would not support proceeding with complaints that have been withdrawn;
 - ii) Would raise significant procedural fairness issues and be potentially unfair to the persons against whom the complaints were made; and
 - iii) Is likely to seriously undermine the terms of the settlement between the Chief Executive and the Council, as approved by Full Council, in which both sides agreed to draw a line under these (and other) matters and move on.
- e) Rescinding the decision of 14 July does not mean that potential breaches in respect of live complaints of the Code of Conduct are not acted upon. All this means is that the process goes back one step. The options then open to the Monitoring Officer include referring what is left to a local hearing, or seeking local resolution or potentially exercising the §7.2 discretion.

21. Whilst in some respects this may seem rather unsatisfactory, the reality is that sometimes circumstances fundamentally change and it is right that the Committee be able to respond to that in a fair and impartial way.

22. In conclusion, my legal advice is that the safest course of action is to rescind the resolution of 14 July sending the 3 investigation reports to a local hearing, allowing the proper procedure arising as a result of the change of circumstances to run its course, with disaggregated reports and then next steps to be taken accordingly (and in accordance with the Council's Local Arrangements) on the basis of the live complaints now remaining.

SAMANTHA BROADFOOT KC

Landmark Chambers, 5 October 2022

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Northumberland

County Council

STANDARDS COMMITTEE **14TH JULY 2022**

Preliminary Hearing

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

Purpose of report

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

Recommendations

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

Link to Corporate Plan

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

Key issues

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

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

Background

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

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

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

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

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

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

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

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

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

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

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

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

Implications

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

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

Background / other relevant Committees reports

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

Background papers:

Report sign off.

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

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

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Northumberland County Council

REPORT FOR STANDARDS COMMITTEE

DATE: 13TH OCTOBER 2022

RECRUITMENT OF PARISH COUNCIL REPRESENTATIVES TO STANDARDS COMMITTEE

REPORT OF THE MONITORING OFFICER

Purpose of report

The purpose of this report is to update members on the recruitment process for three Parish Council representatives to the Standards Committee. The Interview Panel should have interviewed all three Parish Councillors who expressed an interest by the date of the Standards Committee and will report their decision on the final candidate to the Committee.

Recommendations

- a) To note the appointments to two of the vacant Parish Council positions on the committee
- b) To note the position with regard to the third vacancy

Link to Corporate Plan

This report is relevant to the “How” priority included in the NCC Corporate Plan.

Key issues

The Standards Committee comprises County Councillors but also three Parish Councillors, as confirmed within the Constitution. The three Parish Council members who were in place prior to the last Parish and County Council elections in May 2021 are no longer in place and a process has taken place in order to appoint to the three vacant Parish Council places.

Background

1. The Council’s Constitution provides at Article 9, page 26 that the Council will establish a Standards Committee which will be composed of county councillors and three parish council representatives, (who should preferably be geographically representative of the

County as a whole), and one independent co-optee as its Chair. The parish council members and any co-optees are not entitled to vote at meetings.

2. Since May 2021 there have been no Parish Council representatives, one former Parish Council representative having been elected as a County Councillor and the two other representatives no longer being Parish Councillors.
3. On the 14th October 2021 an update was provided to members of the standards committee as to the process for advertising for replacement appointees and members were requested to agree an interview panel.
4. The composition of the interview panel was then changed to replace Councillor Wallace with Councillor Dunn at the meeting on 14th July 2022 so that the interview panel comprised Councillor Flux, Councillor Dunn and Joe Jackson.
5. After extensive advertising only three expressions of interest were received and two interviews took place on 14th September 2022. The interviewees were successful and Joe Jackson has now formally written to the appointees confirming their appointment until the next Parish Council elections.
6. The term of appointment is from 23rd September 2022 when they were informed by the Chair of their successful appointments until the date of the next Parish and Town Council elections.
7. The two Parish Council members appointed are Councillor Alan Varley of Ponteland Town Council and Councillor David Bewley of Amble Town Council.
8. A final interview of the third Parish Councillor who expressed an interest is to take place on Thursday 6th October 2022 and an update will be provided to the Committee on 13th October 2022.

Implications

Policy	N/A
Finance and value for money	N/A
Legal	These are as set out in the report
Procurement	N/A
Human Resources	The Council's recruitment and selection good practice standards was and will be adhered during the selection process
Property	N/A

Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No x N/A <input type="checkbox"/>	The recruitment process was open to all sections of the community who are serving Parish/Town Councillors
Risk Assessment	N/A
Crime & Disorder	N/A
Customer Consideration	N/A
Carbon reduction	N/A
Wards	All

Background papers:

N/A

Linked Relevant Reports

1. Standards Committee of 14th July 2022
and
2. 14th October 2021

Report sign off.

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

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Northumberland

County Council

REPORT FOR STANDARDS COMMITTEE

DATE: 13TH OCTOBER 2022

RECRUITMENT OF PARISH COUNCIL REPRESENTATIVES TO STANDARDS COMMITTEE

REPORT OF THE MONITORING OFFICER

Purpose of report

The purpose of this report is to update members on the recruitment process for three Parish Council representatives to the Standards Committee. The Interview Panel should have interviewed all three Parish Councillors who expressed an interest by the date of the Standards Committee and will report their decision on the final candidate to the Committee.

Recommendations

- a) To note the appointments to two of the vacant Parish Council positions on the committee
- b) To note the position with regard to the third vacancy

Link to Corporate Plan

This report is relevant to the “How” priority included in the NCC Corporate Plan.

Key issues

The Standards Committee comprises County Councillors but also three Parish Councillors, as confirmed within the Constitution. The three Parish Council members who were in place prior to the last Parish and County Council elections in May 2021 are no longer in place and a process has taken place in order to appoint to the three vacant Parish Council places.

Background

1. The Council’s Constitution provides at Article 9, page 26 that the Council will establish a Standards Committee which will be composed of county councillors and three parish council representatives, (who should preferably be geographically representative of the

County as a whole), and one independent co-optee as its Chair. The parish council members and any co-optees are not entitled to vote at meetings.

2. Since May 2021 there have been no Parish Council representatives, one former Parish Council representative having been elected as a County Councillor and the two other representatives no longer being Parish Councillors.
3. On the 14th October 2021 an update was provided to members of the standards committee as to the process for advertising for replacement appointees and members were requested to agree an interview panel.
4. The composition of the interview panel was then changed to replace Councillor Wallace with Councillor Dunn at the meeting on 14th July 2022 so that the interview panel comprised Councillor Flux, Councillor Dunn and Joe Jackson.
5. After extensive advertising only three expressions of interest were received and two interviews took place on 14th September 2022. The interviewees were successful and Joe Jackson has now formally written to the appointees confirming their appointment until the next Parish Council elections.
6. The term of appointment is from 23rd September 2022 when they were informed by the Chair of their successful appointments until the date of the next Parish and Town Council elections.
7. The two Parish Council members appointed are Councillor Alan Varley of Ponteland Town Council and Councillor David Bewley of Amble Town Council.
8. A final interview of the third Parish Councillor who expressed an interest is to take place on Thursday 6th October 2022 and an update will be provided to the Committee on 13th October 2022.

Implications

Policy	N/A
Finance and value for money	N/A
Legal	These are as set out in the report
Procurement	N/A
Human Resources	The Council's recruitment and selection good practice standards was and will be adhered during the selection process
Property	N/A

Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No x N/A <input type="checkbox"/>	The recruitment process was open to all sections of the community who are serving Parish/Town Councillors
Risk Assessment	N/A
Crime & Disorder	N/A
Customer Consideration	N/A
Carbon reduction	N/A
Wards	All

Background papers:

N/A

Linked Relevant Reports

1. Standards Committee of 14th July 2022
and
2. 14th October 2021

Report sign off.

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

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Northumberland County Council

REPORT FOR STANDARDS COMMITTEE

DATE: 13TH OCTOBER 2022

APPOINTMENT OF ADDITIONAL INDEPENDENT PERSONS

REPORT OF THE MONITORING OFFICER

Purpose of report

The purpose of this report is to update members on the recruitment process for two additional Independent Persons. The Interview Panel will have interviewed the candidates by the date of the Standards Committee and will report their recommendations to the Committee.

Recommendations

1. To receive the report of the Interview Panel, and
2. To recommend the appointment of the successful candidates for Independent Persons to the next meeting of full Council.

Link to Corporate Plan

This report is relevant to the “How” priority included in the NCC Corporate Plan.

Key issues

The Council currently only has one Independent Person and Council agreed at its January 2022 meeting that the process of appointing two additional Independent Persons be delegated to the Standards Committee.

Background

1. The Council is required, under the Localism Act 2011, to appoint at least one Independent Person who has a role to play primarily in the assessment of complaints in conjunction with the Monitoring Officer as well as supporting the work of the Standards Committee. The current incumbent was appointed in this capacity in 2020 and Council on the 5th January 2022 endorsed reappointment for a further two years until 31st January 2024.
2. As well as the role under the Localism Act 2011, the Independent Person also has a role to act as Independent Person in disciplinary matters for Chief Officers under the

model procedure set out in the Conditions of Service Handbook of the Joint Negotiating Committee for Local Authority Chief Executives.

3. Other Councils regionally have more than one Independent Person and it believed to be prudent for Northumberland County Council to have two further Independent Persons.
4. On the 5th January 2022 at a meeting of Full Council members agreed the appointment of two further Independent Persons and delegated the recruitment process to Standards Committee in conjunction with the Monitoring Officer. However, final approval of the successful candidates will still need to be approved by Full Council.
5. At its meeting on the 10th February 2022 the standards committee approved the interview pack and agreed the composition of the interview panel. The composition of the interview panel was further changed to replace Councillor Wallace with Councillor Dunn at the meeting on 14th July 2022A. The interviews will be taking place on the 6th and 7th of October 2022.
6. Once the interviews are concluded the panel will report to members at the meeting of Standards Committee with a recommendation as to who should be appointed. Members will then need to recommend to Council that the successful candidates are appointed as Independent Persons.

Implications

Policy	N/A
Finance and value for money	The independent persons would each be paid an allowance of £2,700 per annum which is already provided for within the Council's General Fund Budget.
Legal	These are as set out in the report
Procurement	N/A
Human Resources	The Council's recruitment and selection good practice standards will be adhered to in the selection process
Property	N/A
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/>	The recruitment process will be open to all sections of the community

Risk Assessment	N/A
Crime & Disorder	N/A
Customer Consideration	N/A
Carbon reduction	N/A
Wards	All

Background papers:

Localism Act 2011

Report sign off.

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

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

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Northumberland County Council

STANDARDS COMMITTEE

13TH OCTOBER 2022

Code of Conduct Complaints – Progress Report

Report of the Monitoring Officer

Purpose of report

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

Recommendations

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

Link to Corporate Plan

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

Key issues

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

Background

1. Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the

authority or of a parish council within the authority’s area, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

2. The Council has adopted a procedure whereby such complaints may be assessed and investigated, and any breaches of the members code of conduct may be reported to the Standards Committee for a hearing if a local resolution is not appropriate as per the agreed resolution.
3. A table of complaints received over the past few years where any complaint is outstanding is shown in the attached table – Appendix 1 attached to this report.
4. On 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. 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.

Current Position

5. As of the 3rd October 2022 the Council currently has 17 outstanding complaints. The current status of these can be summarised as follows:
 - 3 have been investigated and are subject to another report on the agenda
 - 7 complaints have been received from a sole complainant in respect of one subject member – these have been grouped together as one complaint
 - 2 plus the 7 referred to above (9 in total) await appointment of a further Independent Person
 - 2 are in the process of local resolution
 - 3 are being reviewed after the provision of further information

If there is any change to the above position members will be informed at the meeting.

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) 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

Background papers

Localism Act 2011

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

Report sign off

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

Author and Contact Details

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Northumberland County Council

CODE OF CONDUCT COMPLAINTS REGISTER 2020/21/22

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

NCC 22/20	Open	19/10/20	NCC	Assessment – Pending hearing
NCC 23/20	Open	17/11/20	NCC	Assessment – pending hearing
NCC 24/20	Closed	19/11/20	NCC	Assessment – Investigation concluded no breach
NCC 25/20	Closed	19/11/20	NCC	Assessment – Investigation concluded no breach
NCC 26/20	Closed	11/11/20	NCC	Amalgamated with NCC 18/20
NCC 27/20	Closed		NCC	No Further Action – no jurisdiction
NCC 01/21	Closed	14/01/21	PC	Assessment – no further action (25/03/21)
NCC 02/21	Closed	01/02/21	PC	Assessment – no further action – informal resolution
NCC 03/21	Closed	03/02/21	PC	Assessment – no further action (25/03/21)
NCC 04/21	Closed	26/02/21	PC	Assessment – no further action - informal resolution
NCC 05/21	Closed	05/03/21	NCC	Assessment – Local Resolution
NCC 06/21	Closed	15/02/21	NCC	Assessment – Possible Breach of Code - Informal Resolution
NCC 07/21	Closed	02/12/20	NCC	Assessment – No further action (10/6/21)
NCC 08/21	Closed	10/1/21	NCC	Assessment – No Further Action – not meet threshold
NCC 09/21	Closed	28/2/21	PC	Assessment – Insufficient information for breach – no further action
NCC 10/21	Closed	12/5/21	NCC	Assessment – no further action
NCC 11/21	Closed	16/4/21	NCC	Assessment – Local Resolution
NCC 12/21	Closed	20/5/21	PC	Assessment – no further action – not met threshold
NCC 13/21	Closed	21/5/21	PC	Assessment - no further action
NCC 14/21	Closed	14/6/21	NCC	No Further Action – Insufficient Information
NCC 15/21	Closed	28/6/21	PC	Assessment – Pending (to meet with IP for review)
NCC 16/21	Closed	5/10/21	NCC	Assessment – No Further Action
NCC 17/21	Closed	16/11/21	NCC	Assessment – Insufficient information
NCC 18/21	Closed	17/11/21	PC	Assessment – No Further Action – Not meet threshold
NCC 19/21	Open	7/11/21	NCC	Assessment – Pending (await further information)

2022

NCC 01/22	Open	5/1/2022	NCC	Assessment – Pending (await information)
NCC 02/22	Open	7/1/2022	NCC	Assessment – Pending (await information)
NCC 03/22	Closed	13/1/22	NCC	Assessment - not met threshold - NFA
NCC 04/22	Closed	20/1/22	NCC	Complaint withdrawn
NCC 05/22	Closed	3/2/22	PC	Assessment - not met threshold - NFA
NCC 06/22	Open	3/2/22	NCC	Assessment – Pending local resolution
NCC 07/22	Closed	3/2/22	NCC	Assessment - not met threshold - NFA
NCC 08/22	Closed	3/2/22	NCC	Assessment - not met threshold - NFA
NCC 09/22	Open	3/2/22	NCC	Assessment – Pending Initial Assessment
NCC 10/22	Open	10/2/22	NCC	Assessment – Pending Initial Assessment
NCC 11/22	Open	11/2/22	NCC	Assessment – Pending Initial Assessment
NCC 12/22	Closed	18/2/22	PC	Complaint Withdrawn
NCC 13/22	Open	25/2/22	NCC	Assessment – awaiting further information
NCC 14/22	Closed	2/3/22	PC	Assessment – No Further Action
NCC 15/22	Open	3/3/22	NCC	Assessment – under review
NCC 16/22	Closed	15/3/22	PC	Assessment - not met threshold - NFA
NCC 17/22	Closed	21/3/22	PC	Assessment - not met threshold - NFA
NCC 18/22	Open	21/3/22	PC	Assessment – Pending Initial Assessment
NCC 19/22	Closed	21/3/22	PC	Assessment – Local Resolution
NCC 20/22	Closed	24/3/22	PC	Assessment – No Further Action
NCC 21/22	Closed	24/3/22	PC	Assessment – no further action
NCC 22/22	Closed	31/3/22	PC	Assessment – No Further Action
NCC 23/22	Closed	01/4/22	PC	Assessment – local resolution
NCC 24/22	Closed	15/4/22	PC	Assessment – Local Resolution
NCC 25/22	Closed	19/4/22	PC	Assessment – Local Resolution
NCC 26/22	Closed	21/4/22	PC	Assessment – NFA – threshold not met
NCC 27/22	Closed	21/4/22	PC	Assessment – Local Resolution
NCC 28/22	Open	18/3/22	PC	Assessment – await further information
NCC 29/22	Closed	22/4/22	PC	Assessment – Local resolution

NCC 30/22	Closed	24/4/22	PC	Assessment – Local Resolution
NCC 31/22	Closed	26/4/22	PC	Assessment – Local Resolution
NCC 32/22	Closed	02/5/22	PC	Assessment – No Further Action
NCC 33/22	Open	03/5/22	PC	Assessment – Pending Initial Assessment
NCC 34/22	Open	04/0/22	NCC	Assessment – Awaiting further information
NCC 35/22	Closed	22/5/22	NCC	Assessment – No Further Action
NCC 36/22	Open	11/6/22	PC	Assessment – Pending local resolution
NCC 37/22	Closed	8/7/22	NCC	Assessment – No jurisdiction - NFA
NCC 38/22	Closed	1/8/22	NCC	Assessment – NFA – Threshold not met
NCC 39/22	Closed	1/9/22	NCC	Assessment - NFA threshold not met
NCC 40/22	Closed	20/9/22	PC	Assessment – No jurisdiction - NFA
NCC 41/22	Closed	30/9/22	PC	Assessment – No jurisdiction - NFA