



Northumberland County Council

Your ref:

Our ref:

Enquiries to: Lesley Bennett

Email: Lesley.Bennett@northumberland.gov.uk

Tel direct: 01670 622613

Date: 4 July 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 **THURSDAY, 13 JULY 2023** at **2.00 PM**.

Yours faithfully

Dr. Helen Paterson
Chief Executive

To Standards Committee members as follows:-

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

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

Parish Councillors C. Barrett, D. Bewley and A. Varley



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. MEMBER AND TERMS OF REFERENCE

To note the following membership and terms of reference as approved by Council on 17 May 2023

Members: 9 Councillors (4:3:1 Ind Gp, 1 LD) (Only one member of the Committee can be a member of the Cabinet).

3 Parish Council (non voting) representatives Councillors C. Barrett, D. Bewley, A. Varley

Independent Persons – A. Beswick, Mrs K. Milner, S. Openshaw

Quorum - 4

Chair: Mr J. Jackson

Vice Chair: B. Flux

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

Terms of Reference

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

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

2. APOLOGIES FOR ABSENCE

3. DISCLOSURES OF INTEREST

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

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

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

4. MINUTES OF PREVIOUS MEETING (Pages 1 - 6)

Minutes of the meeting of the 21 April 2023, as circulated, to be confirmed as a true record, and signed by the Chairman.

REPORT OF THE MONITORING OFFICER

5. INDEPENDENT DESKTOP REVIEW - UPDATE (Pages 7 - 10)

To Update Members on work to address the recommendations of the Independent Desktop Review presented to the Standards Committee on 21 April 2023. The appendix will follow.

6. CODE OF CONDUCT COMPLAINTS - PROGRESS REPORT (Pages 11 - 14)

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. Two appendices are to follow.

REPORT OF THE DIRECTOR OF LAW AND GOVERNANCE

7. SECTION 32 OF THE LOCALISM ACT 2011 - DISPENSATIONS (Pages 15 - 26)

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 following consultation of all Members of the Council.

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 is to be held on Thursday, 12 October 2023 at 2.00 p.m. at County Hall, Morpeth.

12 October 2023
11 January 2024
11 April 2024

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)

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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 Friday, 21 April 2023 at 10.00 am.

PRESENT

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

COUNTY COUNCILLORS

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

Stewart, G.
Towns, D.
Wilczek, R.

PARISH COUNCIL REPRESENTATIVES

Bewley, D.

Varley, A.

ALSO IN ATTENDANCE

Beswick, A.
Openshaw, S.
Goacher, S.
Marshall, G.

Independent Person
Independent Person
Weightman's LLP
LGA Advisory Challenge Board

OFFICERS

Bennett, Mrs L.M.
Binjal, S. (remote)
Masson, N.

Senior Democratic Services Officer
Monitoring Officer
Deputy Monitoring Officer

37. APOLOGIES FOR ABSENCE

Apologies were received from Councillors S. Bridgett, J. Reid and Karen Milner.

38. MINUTES

RESOLVED that the minutes of the meeting of the Standards Committee held on Thursday, 13 October 2022, as circulated, be confirmed as a true record and signed by the Chair.

REPORT OF THE MONITORING OFFICER

39. INDEPENDENT DESKTOP REVIEW OF COUNCIL'S HANDLING OF A NUMBER OF CODE OF CONDUCT COMPLAINTS

Members received a report presented by Simon Goacher, Weightman's LLP, and Gillian Marshall from the LGA Advisory Challenge Board.

Mr. Goacher explained that he had been commissioned by the LGA Advisory Challenge Board to carry out a desktop review of the way in which a number of complaints about Councillors had been carried out by Northumberland County Council. As part of the work, processes were reviewed and lessons to be learned identified. The method of dealing with complaints was reviewed against the Council's procedure and best practice. 10 reports of investigations carried out by Freeths LLP solicitors and three reports of assessments carried out by ch&i associations were reviewed. It had been concluded that the length of time taken to complete the investigations/assessments was much longer than would be best practice or expected. However, mitigating factors included the cultural issues at the Council, change of the Monitoring Officer and staff, the way in which complainants and subject members participated, the complexity of the complaints and the related process which delayed the investigations. The Council's arrangements for dealing with complaints could be improved and also a more pro-active approach to managing complaints and investigations which had been outsourced.

The report recommended that

- The Council reviews its arrangements for dealing with code of conduct complaints against best practice and the LGA's guidance on handling complaints;
- The Council ensure that where any investigation or other action in respect of complaints is outsourced:
 - Clear deadlines are agreed at the outset;
 - There is a person in the Monitoring Officer's team responsible for monitoring progress;
 - Monthly updates are requested from the external provider;
 - Any delay beyond six months in completion of an investigation from the time of instruction is reported to the Standards Committee, together with reasons.
- The Standards Committee receive regular (at least quarterly) reports on the:
 - Number of complaints received;
 - Progress of any complaints made but not yet determined;
 - Outcome of complaints determined
 - Number of complaints outsourced and anticipated completion date;
 - The Council reviews the resources available to the Monitoring Officer to deal with complaints;

- The Deputy Monitoring Officers are provided with training on the assessment of complaints and investigations;
- Where a Deputy Monitoring Officer deals with a complaint as a result of the Monitoring Officer having a conflict, the Deputy Monitoring Officer will report directly to the Chief Executive in respect of that complaint; and
- An annual report be 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.

Members welcomed the report and the following responses to queries and comments were received:-

- If no resolution to a complaint could be reached but there had been a breach of the code, then the matter should always come before the Standards Committee. In a good procedure, the Monitoring Officer would weed out any pointless complaints. A Monitoring Officer should always seek a local resolution where possible such as getting the parties together and helping them to understand each other's position or by way of an apology. The clarity of the wording in procedure could be improved for clarification.
- The Chair of a Committee could not make decisions as these could only be delegated to a Committee if they were non executive decisions. Pre hearing consultations could take place with meetings with the Chair and Monitoring Officer to set out the process.
- It was noted that the procedures had been in place for many years and before the current Monitoring Officer staff, therefore, it was not known whether there were specific reasons for particular wording and its meaning was not clear.
- There was a resource intensity involved in dealing with the complaints procedure. This was reflected in the Committee's decision to appoint two additional Independent Persons to assist the Monitoring Officer's team with the assessment of complaints.
- It was important that processes were in place to identify spurious complaints and finding an appropriate method of dealing with them. If this was continually happening then there was a need to have a process for dealing with such vexatious complaints. This review provided a way to move forward.
- It was important to balance speed and fairness to all parties and to deal with complaints as quickly as possible. With regard to vexatious complaints, filtering criteria could be put in place to assess if there were a number of similar complaints.

RESOLVED that

- (1) the Independent Desktop Review appended to the report, be received.

- (2) the findings (lessons learnt) and recommendations of the Desktop Review as set out in paragraphs 42 to 56 of the report, be accepted.
- (3) a progress report be submitted to the next meeting of the Standards Committee.

40. CODE OF CONDUCT COMPLAINTS – PROGRESS REPORT

Members received 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.

The report format had been changed to provide Members with more information on complaints. Appendix 1 illustrated the trends of complaints since 2020 and highlighted complaints received by type. It was noted that bullying and harassment was the type of conduct most complained about. Appendix 2 showed outstanding complaints and any resolved since the last meeting. It was noted that the Monitoring Officer's Team would keep a record of matters of concern reported to them but which fell short of being reported as complaints. This would assist the Team in monitoring ethical standards and delivering targeted training.

The following comments were made:-

- Some of the complaints in Appendix 2 had been from senior officers that had now left, others were withdrawn or there was no case to answer.
- These complaints were now closed, even as recently as in the last week.
- An increase was now being seen by in complaints from the public about Parish Councillors.
- The Monitoring Officer's Team now had a toolkit to enable them to filter out 'tit for tat' complaints.
- The Monitoring Officer's Team would keep a note of issues brought to their attention which were not necessarily complaints, in order to identify any repetitive behaviour. This could then be raised with the appropriate Group Leader.
- It was important to also consider training for Parish Councillors and it may be appropriate to have discussions with NALC about this.

RESOLVED that the report be received.

41. SECTION 32 OF THE LOCALISM ACT 2011 - DISPENSATIONS

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 the following options for Members consideration:-

- 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
- 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.
- 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.

There was support for the dispensation but a variety of views as to whether there should be a blanket policy or if it should be dealt with on an individual basis.

The following areas were identified for further consideration:-

- If a County Councillor was also a Parish Councillor, then whether it was possible that their home address could also be deleted from their Parish Council declaration.
- Extension of the dispensation to Parish Councils was a matter which could be discussed with NALC in the future.
- Home addresses were also available via Outside Bodies which a Councillor may be a member of.

RESOLVED that Members be consulted on the three options outlined in the report and the outcome of the consultation reported back to the next meeting of the Standards Committee.

42. CHAIR'S ANNOUNCEMENTS

Suki Binjal

The Chair stated that Suki Binjal was leaving Northumberland County Council and took the opportunity to thank her on behalf of the Committee for her hard work during what had been a very difficult period both for the Standards Committee and the Authority. Mrs Binjal thanked the Chair and Members.

Independent Chair

The Chair informed Members that his tenure as Independent Chair of the Standards Committee would end in January 2024. The Committee would need to give consideration to whether it wished to continue with an Independent Chair and to the appointment process.

43. DATE OF NEXT MEETING

The next meeting will be held on Thursday, 13 July 2023 at 2.00 pm.

CHAIR.....

DATE.....



Northumberland County Council

STANDARDS COMMITTEE

13th July 2023

Independent Desktop Review - Update

This is a report of the Monitoring Officer

1. Purpose of report

- 1.1 To update members on work to address the recommendations of the Independent Desktop Review presented to Standards Committee on the 21st April 2023.

2. Recommendations

- 2.1 The Standards Committee is requested to note the attached action plan

3. Link to Corporate Plan

- 3.1 **Achieving Value For Money** – The improvement in processes and procedures will ensure more efficient use of resources. The report is about ensuring good governance and effective management of resources, with a focus on improvement, to deliver the best possible outcomes for the public.

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.
- 4.3 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.
- 4.4 The 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.
- 4.5 The Advisory Board engaged Simon Goacher, a Partner from Weightmans LLP. Mr Goacher’s report was presented to Standards Committee on the 21st April 2023.
- 4.6 At that Meeting standards Committee resolved to accept the recommendations in the independent report and that an update on progress be report to the next Standards Committee. An action plan to attend to these recommendations is attached at Appendix 1.

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

Desktop Review – Action Plan

Background papers

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

<https://northumberland.moderngov.co.uk/documents/s13980/03.1%20Weightmans%20Report%20-%20Lessons%20learnt%20report%20Appendix%201.pdf>

Author and Contact Details

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Northumberland County Council

STANDARDS COMMITTEE

13TH JULY 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. **Achieving Value For Money** – The report is about ensuring good governance and effective management of resources, with a focus on improvement, to deliver the best possible outcomes for the public.

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 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.

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 7 as of the 3rd July 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 21st April 2022. Officers 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

6.1.1. As of the 3rd July 2023 the Council currently has 7 outstanding complaints these include Parish and County Council matters. The status of these can be summarised as follows:

6.1.2. Six are grouped together and have met the threshold for further investigation. informal resolution is being explored between the parties

6.1.3. One has been investigated and we are awaiting a revised report from the Investigating Officer

7. 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

8. 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 21st April 2022.

9. Background papers

N/A

10. Author and Contact Details

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Northumberland County Council

STANDARDS COMMITTEE

13th July 2023

SECTION 32 OF THE LOCALISM ACT 2011 - DISPENSATIONS

Report of the Director of Law and Governance

1. Link to Key Priorities of the Corporate Plan

1.1. Achieving Value For Money – The improvement in processes and procedures will ensure more efficient use of resources. The report is about ensuring good governance and effective management of resources, with a focus on improvement, to deliver the best possible outcomes for the public.

2. Purpose of report

2.1. 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 following consultation of all Members of the Council.

2.2. 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.

3. Recommendations

3.1. That Members note the position as set out in the report

4. Background

- 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.
- 4.4. On 21st April 2023 the Standards Committee received a report setting out the background of this issue and recommending that all Members be canvassed as to their views
- 4.5. The Standards Committee resolved to consult members as to whether they would prefer the option of a blanket policy on withholding members' addresses on the public register or maintaining the current position.
- 4.6. Officers have since conducted a consultation with members, the results of which are shown in the document in Appendix 1. There were a total of 47 responses (70% of all members), resulting in an approximately even split between members who would prefer that a blanket dispensation be allowed to remove address details from the published version of the register (numbering 24), and those who would wish to maintain the current position (numbering 23), whereby it would be up to each member to make the appropriate request for the dispensation if they considered it necessary.
- 4.7. Members will see there are a significant number of members who would prefer a blanket dispensation given, however the legislation only gives power to a Monitoring Officer to remove details of the interest from the published version

of the register if they consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation. As such there is no power for a local authority or a committee of a local authority to grant a blanket dispensation to members.

- 4.8. In view of the above the Director of Law and Governance proposes to write to the Department for Levelling Up, Housing and Communities with the view that legislative change is needed to introduce the option for such a blanket policy in the appropriate circumstances. Until such change is made the Director of Law and Governance as the Council’s Monitoring Officer will continue to deal with any request for dispensations under section 32 on an individual basis.

5. Implications

Policy	None	
Finance and value for money: eg: What are the financial implications and how will this be funded.	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 Act: is a full impact assessment required and attached?” Yes <input type="checkbox"/> No <input type="checkbox"/> <input type="checkbox"/> N/A <input type="checkbox"/>	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	

6. 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/781117/local-government-ethical-standards-january-2019.pdf)

7. Links to other key reports already published

Standards Committee 21st April 2023 Report
<https://northumberland.moderngov.co.uk/documents/s13984/05.%20Section%2032%20Localism%20Act%202011%20-%20Dispensations.pdf>

8. Author and Contact Details

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Dispensations for Members Declaration of Interests Feedback

FINAL OUTCOME

Week 3: Monday 19 June 2023

Overall Responses

Page 20 Date	Number of Responses	Total	Total Percentage Response
5 May 2023	23	23	34%
12 May 2023	15	38	57%
19 May 2023	8	46	69%

Final Results

Total final responses: 47 Members (70%)



Final Outcome: Members in favour of applying a blanket policy by 1 vote (24 members). 23 members believe the Council should make no changes to the way it currently applies dispensations



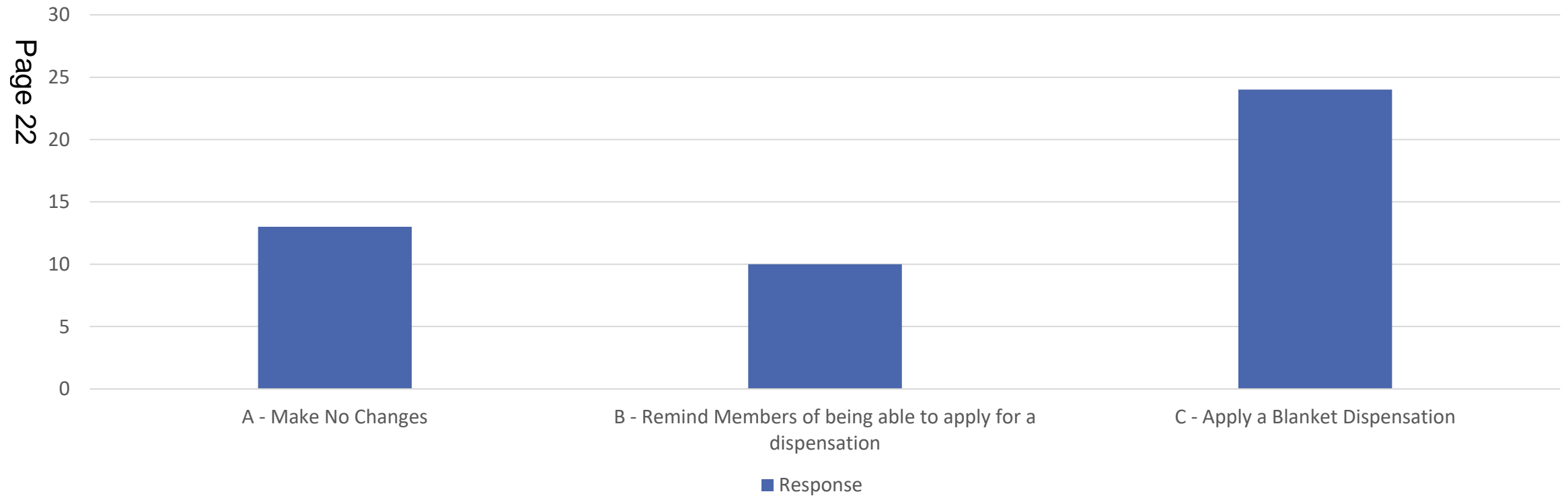
Breakdown by option:

A) 13

B) 10

C) 24

Response



“Same for voting and campaign literature for parties. It needs to be optional for councillors. MPs don't have to so why us?”

“Since being elected I have received a number of letters to my home address. None of these have any details of the sender. They all contain rather strange materials around conspiracy theories, religious groups etc. Receiving these has made my partner more anxious”

“It is easy to find where a Cllr will be at a certain time e.g at official meetings and their families / property could be subjected to criminal acts. It serves no purpose to make public home addresses or other info that may ID family members”

“I have a child at home to consider and many members may have children in their home at times, children, grandchildren, nieces, nephews etc. Some may also have vulnerable adults in their home too. Prevention is better than reacting to an awful situation, should one occur. Better to be safe than sorry”

“Anyone is likely to be able to find where you live by other means”

“I'm not sure of the value of publishing addresses these days as most contact from residents is via email, phone or social media apps. I get maybe 1 or 2 letters to my house each year from residents so I would also be perfectly happy with option C. Presumably the council could forward on or scan in any letters sent via county hall?”

“I've never really had any problems in over 30 years. However, I can understand that some members may be nervous.”

“If only some councillors have their addresses removed, they could be targeted. It should be a blanket policy”

I'd be happy with any of these options, but I've gone for option 3 because I've noticed that the small number of interactions that I have with members of the public on my doorstep are almost always the types of interactions that I would prefer not to have. They've never been threatening, but I've certainly felt that my time was being wasted. One person harassed me quite badly in 2022. The difference between options 1 and 2 seems minimal. Are you in danger of splitting the “don't apply a blanket policy” (i.e. not option 3) vote?

Please do not give my private mobile number

I have previously been comfortable with having my address visible to others, however more recently the levels of abuse and comments have noticeably increased. I have previously had unpleasant anonymous post to my old address as well as vandalism to my vehicle. My concern is for the welfare of my family with children and grandchildren, and for that reason I feel it may be more appropriate today to now remove these personal details for the safety of all involved.

CONFIDENTIAL. I have already requested personal dispensation a few months' ago but the present MO was not in favour. The police are aware of my position. Please ignore my highlights as I had to complete to inform.

I see limited point in not disclosing such things. Most are eventually found via google, companies house, charity commission pages etc. It just makes it look like there is something to hide when there is not

The information would still be declared so there is no issue with transparency - I fully support the City of Westminster Council's approach.

As I have had people turning up on my doorstep. I believe the addresses should not appear on the website. No other role would it be acceptable to put home addresses online and available to anyone who wants to send things or turn up. We talk about members safety and I personally believe there is no need for anyone to contact me at home. We have phones, email and the contact address should be care of County hall.

Most cllrs share their mobile numbers etc, so there is no risk of not being able to get in touch with the member. The question remains - our addresses are shown on notice of poll, ballot papers etc and are these also going to be changed?

Timeline



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