



# Northumberland County Council

**Your ref:**

**Our ref:**

**Enquiries to:** Lesley Bennett

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

**Tel direct:** 01670 622613

**Date:** 3 October 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, 12 OCTOBER 2023** at **2.00 PM**.

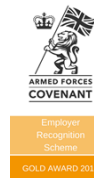
Yours faithfully

Dr. Helen Paterson  
Chief Executive

**To Members of the Standards Committee**



**Dr. Helen Paterson, Chief Executive**  
County Hall, Morpeth, Northumberland, NE61 2EF  
T: 0345 600 6400  
[www.northumberland.gov.uk](http://www.northumberland.gov.uk)



# AGENDA

## PART I

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

### 1. MINUTES OF PREVIOUS MEETING

(Pages 1  
- 4)

Minutes of the meeting of the 13 July 2023, as circulated, to be confirmed as a true record, and signed by the Chairman.

### 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](mailto: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. INDEPENDENT CHAIR OF STANDARDS COMMITTEE** (Pages 5 - 8)

To advise members of the need to undertake a fresh recruitment process in respect of the Independent Chairman of the Standards Committee and to agree the detail of that process.

**5. INDEPENDENT DESKTOP REVIEW - UPDATE** (Pages 9 - 24)

To update members on work to address the recommendations of the Independent Desktop Review.

**6. CODE OF CONDUCT COMPLAINTS - PROGRESS REPORT** (Pages 25 - 34)

To inform Members of 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.

**7. URGENT BUSINESS (IF ANY)**

To consider such other business as, in the opinion of the Chair, should, by reason of special circumstances, be considered as a matter of urgency.

**8. DATE OF NEXT MEETING**

The next scheduled meeting is to be held on Thursday, 11 January 2024 at 2.00 p.m. at County Hall, Morpeth.

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.

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

## Registering Interests

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

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

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

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

### Non participation in case of disclosable pecuniary interest

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

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

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

### Disclosure of Other Registerable Interests

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

### Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in **Table 1**) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

8. Where a matter arises at a meeting which **affects** –

- a. your own financial interest or well-being;
- b. a financial interest or well-being of a relative or close associate; or
- c. a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2** you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well- being:

- a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
- b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

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

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

Where you have an Other 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](#).

<b>Subject</b>	<b>Description</b>
<b>Employment, office, trade, profession or vocation</b>	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
<b>Sponsorship</b>	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>
<b>Contracts</b>	<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>
<b>Land and Property</b>	<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>
<b>Licenses</b>	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
<b>Corporate tenancies</b>	<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>
<b>Securities</b>	<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

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <p>a) any body of which you are in general control or management and to which you are nominated or appointed by your authority</p> <p>b) any body</p> <p style="padding-left: 40px;">i. exercising functions of a public nature</p> <p style="padding-left: 40px;">ii. any body directed to charitable purposes or</p> <p style="padding-left: 40px;">iii. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)</p>
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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, 13 July 2023 at 2.00 pm.

#### PRESENT

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

#### COUNTY COUNCILLORS

Cessford, T.	Lee, S
Dunn, L.	Reid, J.
Flux, B.	Stewart, G.
Grimshaw, L.	Wilczek, R.

#### PARISH COUNCIL REPRESENTATIVES

Bewley, D.	Varley, A.
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#### ALSO IN ATTENDANCE

Beswick, A.	Independent Person
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#### OFFICERS

Bennett, Mrs L.M.	Senior Democratic Services Officer
Gerrard, S.	Director of Law and Governance/Monitoring Officer

#### 1. MEMBERSHIP AND TERMS OF REFERENCE

The Membership and Terms of Reference were noted.

#### 2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor D. Towns and Independent Persons K. Milner and S. Openshaw.

#### 3. MINUTES

**RESOLVED** that the minutes of the meeting of the Standards Committee held on Friday, 21 April 2023, as circulated, be confirmed as a true record and signed by the Chair.

## **REPORT OF THE MONITORING OFFICER**

### **4. INDEPENDENT DESKTOP REVIEW UPDATE**

Members were updated on work to address the recommendations of the Independent Desktop Review presented to the Standards Committee on 21 April 2023.

It was reported that a Monitoring Officer Toolkit would be brought to the next meeting of the Standards Committee and would include a flow chart showing the process and a list of the criteria to be applied sequentially used to ensure that matters that required investigation were investigated. It was also intended that complaints would be dealt with more quickly in future. The Deputy Monitoring Officers would be trained to enable them to carry out assessment of complaints.

**RESOLVED** that

- (1) the action plan be noted.
- (2) the Monitoring Officer Toolkit be submitted to the next meeting of the Standards Committee for endorsement.

### **5. 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.

It was reported that the number of complaints being received had started to decline and this was a good picture for Northumberland County Council. Further consideration would be given as to how this information was presented in future to enable identification of trends.

It was not possible to control the number of complaints relating to Parish Councils. It was suggested that consideration be given to producing a six monthly newsletter which would be sent to Members and Parish Councils highlighting issues they may wish to think about going forward. Members were interested in seeing examples of such newsletters from other Local Authorities.

**RESOLVED** that the report be noted.

### **6. SECTION 32 OF THE LOCALISM ACT 2011 - DISPENSATIONS**

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 considered the current position following consultation of all Members of the Council.

It was reported that it was not possible to give a blanket dispensation to Members to allow the removal of their home address from the public Declaration of Interests Register. However, Members could request this dispensation from the Director of Law and Governance on an individual basis.

**RESOLVED** that Members note the position as set out in the report.

**7. DATE OF NEXT MEETING**

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

**CHAIR**.....

**DATE**.....

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## Northumberland County Council

### **STANDARDS COMMITTEE**

**12 October 2023**

### **INDEPENDENT CHAIR OF STANDARDS COMMITTEE**

#### **Report of the Director of Law and Corporate Governance**

#### **Purpose of report**

To advise members of the need to undertake a fresh recruitment process in respect of the Independent Chairman of the Standards Committee and to agree the detail of that process.

#### **Recommendations**

- i. To note the position relating to the need to reappoint to the position of Independent Chairman of the Standards Committee, and
- ii. To establish an interview panel to make a recommendation to Council regarding the appointment to such position.
- iii. That in the event of a conflict of interest or other reason a member of the appointed panel is precluded or unable to attend the interviews, the Monitoring Officer in consultation with the Chair or Vice-Chair of the Standards Committee may appoint a replacement member.

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

**Achieving Value For Money** - The appointment of an independent Chair of the Committee provides independence and fairness, making best use of Council resources.

**Tacking Inequality** - The recruitment process follows internal HR processes ensuring equality and transparency.

#### **Key issues**

1. Need to re-appoint to the position of Independent Chairman of Standards Committee.
2. The Independent Chair will be paid an allowance of £2,700 per annum which is already provided for within the Council's General Fund Budget.

3. Recommendation to create an interview panel with delegated authority to make a recommendation to Council following consideration of the applications received including interview process.

## **Background**

1. The current composition of this Committee provides for an Independent Chair to preside over its meetings and to be a member champion for the promotion and maintenance of the Council ethical framework in respect of member conduct. While there is no statutory requirement for the Chairman of the Standards Committee to be independent the authority have previously determined that the position would benefit from such a status and the current incumbent, Mr Joe Jackson, was appointed in October 2018, which was the third time his appointment was renewed. Again, there is no statutory requirement as to the length of appointment, but it is considered that the position should be exposed to a further open recruitment process.
2. An advertisement in respect of this position was published last month inviting applications to be submitted by the 8th October 2023.
3. It is recommended that an interview panel be set up comprising such members of the Committee that seem appropriate to make a recommendation to Council as to whom should be appointed to the position of Independent Chairman. It is suggested to members that a panel of three with assistance from the Monitoring Officer (or Deputy) would be appropriate.
4. Following creation of the panel, if that is agreed, interviews will be arranged with a view to a recommendation regarding appointment being made to the next Council meeting, which will be January 2024. The appointment will be for a period of four years.

## **Implications**

<b>Policy</b>	N/A
<b>Finance and value for money</b>	The Independent Chair will be paid an allowance of £2,700 per annum which is already provided for within the Council's General Fund Budget.
<b>Legal</b>	These are set out in the body of the report
<b>Procurement</b>	N/A
<b>Human Resources</b>	A role definition and person specification have been prepared and form part of the proposals recommended for approval.
<b>Property</b>	N/A
<b>Equalities</b>	N/A

(Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	
<b>Risk Assessment</b>	N/A
<b>Crime &amp; Disorder</b>	N/A
<b>Customer Consideration</b>	The appointment to these two positions gives customers an assurance in relation to the operation of the ethical standards regime
<b>Carbon reduction</b>	N/A
<b>Health and Wellbeing</b>	N/A
<b>Wards</b>	All divisions

### **Background papers**

Constitution of the Council

### **Author and Contact Details**

Neil Masson, Head of Legal Services and  
Deputy Monitoring Officer

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## Northumberland County Council

### **STANDARDS COMMITTEE**

**12<sup>th</sup> October 2023**

### **Independent Desktop Review - Update Report of the Director of Corporate Law and Governance**

#### **1. Purpose of report**

- 1.1. To update members on work to address the recommendations of the Independent Desktop Review.

#### **2. Recommendations**

- 2.1. To approve the attached revised Arrangements for dealing with Member Complaints and Hearing Procedure.
- 2.2. To Delegate to the Monitoring Officer to revise the process for hearings and investigations from time to time, as necessary, in accordance with best practice following consultation with the Chair.

#### **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. Following the review over the summer the Monitoring officer has reviewed the Council's procedure for dealing with Standards Complaints ('the Arrangements') and the Hearings Procedure. The intention has been to clarify and simplify the guidance.

- 4.2. These documents are attached at Appendix 2 and 3 respectively. Members are asked to approve the Arrangements and Hearings Procedure.. The Hearings Procedure has been revised to cater for a pre-hearing process.
- 4.3. In accordance with best practice the work of the Standards Committee will be reported to the council on a regular basis.

## 5. Implications

<b>Policy</b>	The local determination of alleged breaches of the Code of Conduct is a statutory requirement
<b>Finance and value for money</b>	There are no direct financial implications associated with this report.
<b>Legal</b>	The Localism Act 2011 states that local authorities must put in place arrangements for the Council to consider code of conduct complaints.
<b>Procurement</b>	None
<b>Human Resources</b>	None
<b>Equalities</b>	The Code of Conduct supports the Council's policies on equalities in service delivery
(Impact Assessment attached)	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
N/A <input type="checkbox"/>	
<b>Risk Assessment</b>	The procedures in relation to the local assessment of member conduct complaints are designed to support fair and efficient handling of those complaints by the Council with the aim of avoiding challenge or dissatisfaction with that process.
<b>Crime &amp; Disorder</b>	The locally based system of assessment, investigation and determination of complaints supports compliance with the Code of Conduct which in turn supports the Council's general aims in relation to crime and disorder.
<b>Customer Consideration</b>	The Code of Conduct is consistent with and reinforces the Council's approach to customer relations.
<b>Carbon reduction</b>	None
<b>Health and Wellbeing</b>	N/A
<b>Wards</b>	All

## **6. Appendices**

- 1 Desktop Review – Action Plan
- 2 Arrangements For dealing with Standards Allegations
- 3 Hearing Procedure

### **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%20R%20eport%20-%20Lessons%20learnt%20report%20Appendix%201.pdf>

### **Author and Contact Details**

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## Action Log - Lessons Learned Review

Project Lead: Neil Masson

No.	Workstream	Action	Responsible Officer	Status	RAG	Start	Due Date	Today	Alert	Notes
001	Standards Complaints Review and Refresh	Benchmarking Exercise with regional local authorities - assessing procedure and best practice		Complete	GREEN		30/07/23	26/09/23		Completed. Practice is similar among authorities.
002	Standards Complaints Review and Refresh	Assessment of recommendations against current toolkit		Complete	AMBER		15/08/23	26/09/23		Current Officer Toolkit offers comprehensive good practice and is consistent with revised Arrangements.
003	Standards Complaints Review and Refresh	Draft new Procedure/Arrangements for dealing with Standards Complaints		Complete	RED		30/08/23	26/09/23		Benchmarking and toolkit to assist in production of new template for Arrangements
004	Standards Complaints Review and Refresh	Consider the following recommendations for inclusion in draft procedure:		Complete			30/08/23	26/09/23		Recommendations of report are now included throughout Arrangements and supporting documentation
005	Standards Complaints Review and Refresh	Review of time period to carry out threshold assessment		Complete	GREEN		30/08/23	26/09/23		Timescales now in line with LGA Guidance
006	Standards Complaints Review and Refresh	Involvement of Independent person at an early stage		Complete	AMBER		30/08/23	26/09/23		IP involvement immediately once Jurisdiction test passed
007	Standards Complaints Review and Refresh	Anonymity/confidentiality		Complete	AMBER		30/08/23	26/09/23		Confidentiality covered in Arrangements and Complaint Form. Anonymity in internal guidance.
008	Standards Complaints Review and Refresh	Criteria for determining threshold assessment		Complete	AMBER		30/08/23	26/09/23		Criteria has been set out in Arrangements
009	Outsourced Complaints	Clear deadlines		Complete	RED		30/08/23	26/09/23		Included in Arrangements
010	Outsourced Complaints	Person assigned to monitor		Complete	RED		30/08/23	26/09/23		Included in Arrangements
011	Outsourced Complaints	Monthly updates		Complete	AMBER		30/08/23	26/09/23		Included in Arrangements
012	Outsourced Complaints	Delay above 6 months reported to Standards Committee with reasons		Complete	AMBER		30/08/23	26/09/23		Included in arrangements
013	Annual Report	To consider if this goes to full council		Complete	AMBER		30/08/23	26/09/23		Will be included as part of Chair's Annual Report to AGM
014	Annual Report	To consider if information goes as part of Annual Governance statement		Complete	AMBER		30/08/23	26/09/23		Information will be included in Annual Governance statement
015	Resources	Are the resources sufficient to deal with these matters in a timely manner		Complete	AMBER		30/09/23	26/09/23		Current reduction in numbers of complaints. Resources currently addeuate but needs to be kept under review
016	Training	Assessment of training needs		Complete	AMBER		30/07/23	26/09/23		Training needs identified and included in personal development plans
017	Quarterly Report	Quarterly report to standards committee		Complete	GREEN		12/10/23	26/09/23		This is already in place

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

### 1. Context

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, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations. The Council’s code of Conduct for Elected Members can be found [here](#).

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a Member against whom an allegation has been made. The Council’s arrangements are set out below.

### 2. Making a Complaint

Details of how to make a complaint can be found on the council’s website;  
[www.northumberland.gov.uk/Councillors/Councillors.aspx#complaintaboutanelectedmember](http://www.northumberland.gov.uk/Councillors/Councillors.aspx#complaintaboutanelectedmember)

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will, as far as practicable, keep you informed of the progress of your complaint. Any requests for anonymity will only be granted in exceptional circumstances.

### 3. Will your complaint be investigated?

Upon receipt of the complaint the Monitoring Officer will assess if the Council has jurisdiction to determine the Complaint. Factors include:

- Was the subject ‘in office’ at the time of the alleged conduct and remain ‘in office’?
- Is the complaint essentially against the action of the Council as a whole, rather than the subject or is it essentially a service complaint?
- Was the subject undertaking council functions at the time of the alleged conduct?
- Has the same, or substantially the same, alleged conduct been the subject of a previous code of conduct allegation?
- Does the complaint identify potential criminal conduct which needs referral to the police?

If there is jurisdiction, the Monitoring Officer will then assess if the complaint reaches the required threshold for investigation. Factors include:

- Does the complaint contain sufficient evidence to support an allegation of a potential breach of the relevant code?
- How long ago did the conduct complained of occur?
- Does the complaint appear to be trivial, malicious, vexatious, politically motivated, or tit-for-tat? Is the matter essentially a disagreement between members?
- Is an investigation in the public interest?
- Have multiple complaints been submitted about the same conduct / course of conduct?

In undertaking this process further information may be requested of the complainant and the views of the subject of the complaint and the Independent Person may be sought. This decision will normally be taken within 15 working days of receipt of your complaint.

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally by local resolution, without the need for a formal investigation. The Monitoring Officer will have complete discretion as to the form of local resolution is appropriate and whether it is sufficient to conclude the complaint.

#### 4. How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, the following process will be followed:

- An Investigating Officer (IO) will be appointed;
- The IO will interview both Complainant and Subject Member;
- The IO will interview any witnesses and gather any relevant information;
- The IO will then produce a draft report and share with both parties for comment. Any comments must be received within 5 working days;
- The IO will then produce a final report taking into account any comments made and send the final report to the Monitoring Officer
- If an external IO is appointed there will be monthly updates to an officer appointed to monitor progress in accordance with deadlines set. Delay over 6 months will be reported to Standards Committee.

If the IO concludes there is insufficient evidence to prove a breach of the code, the Monitoring Officer will review the IO's report and, if he is satisfied that the Investigating Officer's report is sufficient, will notify to both parties that no further action is required. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the IO to reconsider their report.

If the IO concludes that there is evidence of failure to comply with the code of conduct the Monitoring Officer will then either send the matter for local hearing before the Standards Committee or, after consulting the Independent Person, seek local Resolution. The Monitoring Officer will decide what form of local resolution is appropriate to provide a satisfactory conclusion to the complaint.

If local resolution is not appropriate the Monitoring Officer may refer the matter for hearing to the Standards Committee. A hearing and pre-hearing process will be carried out in compliance with the Hearing Procedure Rules [LINK]

In considering complaints the Monitoring Officer will have regard to and be assisted by internal guidance and guidance provided by the Local Government Association:

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>  
<https://www.local.gov.uk/publications/guidance-member-model-code-conduct-complaints-handling>

There is no right of appeal for the complainant or for the member against a decision of the Monitoring Officer or of the Standards Committee. Any complaint must be made to the Local





Northumberland  
County Council

Government and Social Care Ombudsman.

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## **Hearing Procedure**

### **Interpretation**

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

### **Pre-Hearing Process**

7. Prior to the hearing the Monitoring Officer will conduct a 'pre-hearing process' requiring the elected member to give their response to the investigator's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing.
8. The Monitoring Officer in consultation with the Chair will give directions as to the manner in which the hearing will be conducted. Where possible the pre-hearing process will be carried out in writing. However, where appropriate the Monitoring Officer may hold a pre-hearing meeting between the relevant parties, their representatives, and the Chair.
9. A pre-hearing summary of the process will be sent to all parties at least two weeks prior to the hearing which will include:
  - (a) The hearing process to be followed;
  - (b) A report summarising the allegation, including the investigation report and any supporting documentation submitted by the parties as an agreed consolidated hearing bundle;
  - (c) A list of witnesses attending to give evidence.

### **Representation**

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

### **Legal advice**

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

### **Non attendance by the Member**

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

### **Setting the scene**

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

### **Preliminary procedural issues**

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

### **Making findings of fact**

15. After dealing with any preliminary issues, the Committee should then move on to consider whether there are any significant disagreements about the facts contained in the Investigating Officer's report.
16. If there is no disagreement about the facts, the Committee can move on to the next stage of the hearing.
17. If there is a disagreement, the Reporting Officer and/or the Investigating Officer, if present, should be invited to make any necessary representations to support the relevant findings of fact in the report. With the Committee's permission, the Reporting Officer and/or the Investigating Officer may call any necessary supporting witnesses to give evidence. The Committee may give the Member an opportunity to challenge any evidence put forward by any witness called by the Reporting Officer and/or the Investigating Officer by the cross-examination of the witness either directly by the Member (or his/her representative) or through the Chair.
18. The Member should then have the opportunity to make representations to support their version of the facts and, with the Committee's permission, to call any necessary witnesses to give evidence.
19. At any time, the Committee may question any of the people involved or any of the witnesses and may allow the Reporting Officer and/or the Investigating Officer to challenge any evidence put forward by witnesses called by the Member.

20. If the Member disagrees with most of the facts, it may make sense for the Reporting Officer and/or the Investigating Officer to start by making representations on all the relevant facts, instead of discussing each fact individually.
21. If the Member disagrees with any relevant fact in the Investigating Officer's report, without having given prior notice of the disagreement, they must give good reasons for not mentioning it before the hearing. If the Investigating Officer is not present, the Committee will consider whether it would be in the public interest to continue in their absence.

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

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

**Did the Member fail to follow the Code of Conduct?**

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

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

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

**If the Member has failed to follow the Code of Conduct**

32. If the Committee decides that the Member has failed to follow the Code of Conduct, it will consider any verbal or written representations from the Reporting Officer and/or the Investigating Officer and the Member and will consult with the Independent Person as to:
- (d) whether the Committee should apply a sanction;
  - (e) what form any sanction should take.
33. The Committee may question the Reporting Officer and/or the Investigating Officer and Member, and take legal advice, to make sure they have the information they need in order to make an informed decision.
34. The Committee will then deliberate in private to consider whether to impose a sanction on the Member and, if so, what the sanction should be.
35. The sanctions or other actions available to the Committee are set out in Annex 1.
36. On their return, the Chair will announce the Committee's decision.

**Recommendations to the Authority**

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

**The written decision**

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

**Further information**

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

**Annex 1 to Hearing Procedure**

**Sanctions and other actions**

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

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

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## Northumberland County Council

### STANDARDS COMMITTEE

12<sup>th</sup> October 2023

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Code of Conduct Complaints – Progress Report

Report of the Director of Law and Corporate Governance

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#### 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 4<sup>th</sup> 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 1<sup>st</sup> July 2012.

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 18<sup>th</sup> March 2022 the Government’s response to the review of Local Government Ethical Standards by the Committee on Standards in Public Life, recommended adopting as best practice a regular pattern of annual reporting by Standard Committees of the cases and complaints handled and would encourage this as best practice by the sector.
- 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. In recent months, the number of live complaints has reduced significantly to one as of the 29<sup>th</sup> September 2023. The outstanding complaint is currently subject to a mediation process.
- 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 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 13<sup>th</sup> July 2023. 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. As of the 29<sup>th</sup> September 2023 the Council currently has one outstanding complaint between County Council Members. Mediation has been agreed and is ongoing.

## 7. Implications

<b>Policy</b>	The local determination of alleged breaches of the Code of Conduct is a statutory requirement
<b>Finance and value for money</b>	There are no direct financial implications associated with this report.
<b>Legal</b>	The Localism Act 2011 states that arrangements must be put in place for the Council to consider code of conduct complaints.
<b>Procurement</b>	None
<b>Human Resources</b>	None
<b>Property</b>	None
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	The Code of Conduct supports the Council's policies on equalities in service delivery
<b>Risk Assessment</b>	The procedures in relation to the local assessment of member conduct complaints are designed to support fair and efficient handling of those complaints by the Council with the aim of avoiding challenge or dissatisfaction with that process.
<b>Crime &amp; Disorder</b>	The locally based system of assessment, investigation and determination of complaints supports compliance with the Code of Conduct which in turn supports the Council's general aims in relation to crime and disorder.
<b>Customer Consideration</b>	The Code of Conduct is consistent with and reinforces the Council's approach to customer relations.

<b>Carbon reduction</b>	None
<b>Health and Wellbeing</b>	N/A
<b>Wards</b>	All

## **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 13<sup>th</sup> July 2023

## **9. Background papers**

None

## **10. Author and Contact Details**

Neil Masson – Head of Legal Services  
and Deputy Monitoring Officer

Telephone - 01670 623314

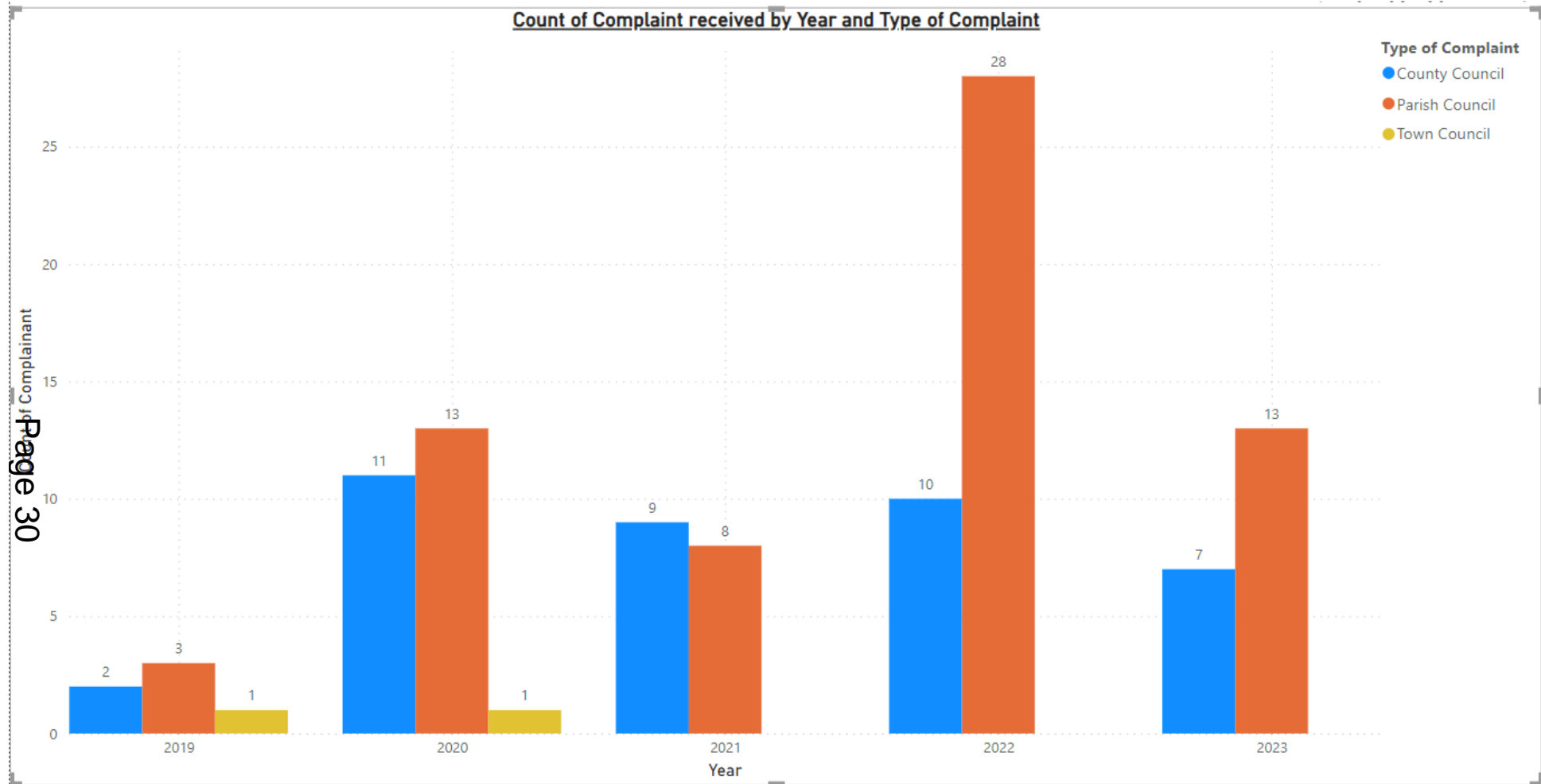
Email: [neil.masson@northumberland.gov.uk](mailto:neil.masson@northumberland.gov.uk)

**Appendix 1**

**The table below shows the trends of complaints received and the type of complaints received.**

**Annex 1**

**Table 1**



**Annex 1**

**Table 2**

<b>Comparison of Code of Conduct Complaints Received for the same period in 2022 and 2023</b>		
<b>Year</b>	<b>Total number of Complaints Received</b>	<b>Total Number of Complaints Outstanding</b>
2022	35	1
2023	20	0

Table 2 shows a comparison of the total number of complaints received between the period of 1<sup>st</sup> Jan – 20<sup>th</sup> Sep 2022, and those received from 1<sup>st</sup> Jan – 20<sup>th</sup> Sep 2023.

You will see that there is 1 outstanding complaint from 2022, which local resolution has been sought, and mediation has been agreed and arranged.

There are no outstanding complaints from those that we have received this year.

Since the last Standards Committee meeting held on 13<sup>th</sup> July 2023, 3 complaints have been received and all have been concluded, details of which are outlined in Annex 2.

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## Annex 2

The table below details the Code of Conduct matter that is outstanding and its current status, and lists those complaints received since the last meeting of Standards Committee and the concluding decision of each.

Reference	Date of Complaint	Type of Complaint	Current Status/Outcome	Date Closed
<b>Ongoing Complaints</b>				
NCC 02/22, NCC 09/22, NCC 10/22, NCC 13/22, NCC 15/22 & NCC 4/22	04/05/22	County Council	<i>These have been consolidated and are being treated as 1 complaint.</i>  Seeking Local Resolution / Mediation arranged	
<b>2023 Closed Complaints since last Standards meeting 13/07/23</b>				
NCC 36/22	11/06/22	Parish Council	Investigation complete – no breach found	18/09/23
NCC 16/23	10/07/23	Parish Council	No further action - insufficient evidence to meet threshold for further investigation	21/07/23
NCC 17/23	12/07/23	Parish Council	No further action - insufficient evidence to meet threshold for further investigation	25/07/23
NCC 18/23	17/07/23	Parish Council	No further action - insufficient evidence to meet threshold for further investigation	31/07/23
NCC 19/23	11/08/23	County Council	No further action - insufficient evidence to meet threshold for further investigation	14/08/23
NCC 20/23	14/09/23	County Council	Local Resolution	18/09/23

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