

NORTHUMBERLAND COUNTY COUNCIL

STANDARDS COMMITTEE

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

PRESENT

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

COUNTY COUNCILLORS

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

PARISH COUNCIL REPRESENTATIVES

Bewley, D.	Varley, A.
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ALSO IN ATTENDANCE

Broadfoot, S	KC
Milner, K.	Independent Person

OFFICERS

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

29. MEMBERSHIP

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

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

30. APOLOGIES FOR ABSENCE

Apologies were received from Councillor S. Bridgett.

31. MINUTES

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

REPORT OF THE MONITORING OFFICER

32. UPDATE ON ONGOING INVESTIGATIONS

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

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 However, there had been a change in circumstances since that meeting in that one of the complaints, Mrs Lally, had withdrawn her allegations as part of a settlement agreement.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

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 Broadfoot's advice was that, in order to be procedurally clean and fair, that the July decision should be rescinded and to go back a step to allow the various parts of the complaints to be separated out and then to make a decision on how to proceed on what remained.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

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

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

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

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

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

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

RESOLVED that

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

33. APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES

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

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

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

34. APPOINTMENT OF ADDITIONAL INDEPENDENT PERSONS

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

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

35. CODE OF CONDUCT COMPLAINTS – PROGRESS REPORT

Members were informed of the progress with complaints received by the authority under the new arrangements adopted by the authority for dealing with standards allegations under the Localism Act 2011.

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

RESOLVED to receive the report and attached appendix.

36. DATE OF NEXT MEETING

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

CHAIR.....

DATE.....