

ANNUAL REPORT OF THE STANDARDS COMMITTEE 2022 – 2023

14 July 2022, 13 October 2022 and 21 April 2023

1. THE LOCALISM ACT 2011 – THE STANDARDS REGIME

The new standards regime came into effect on 1 July 2012. The Council, at its meeting on 4 July 2012, agreed the membership of eight Councillors and three Town and Parish Council non-voting co-optees. The Standards Committee is chaired by an independent chair. There are also now three Independent Persons who are not members of the Committee but do attend its meetings and hearings.

The Standards Committee has met on three occasions since May 2022.

2. CODE OF CONDUCT COMPLAINTS, LEGAL RESOLUTION

External legal advice had been sought from Mark Heath of VWV with regard to three Code of Conduct complaints which had been investigated and would progress to a legal hearing. He had, in turn, instructed Samantha Broadfoot, KC, and she attended the Standards Committee meeting on 14 July 2022 and 13 October 2022.

Initial advice given to the Standards Committee by Mr. Heath was that the process should be stopped in relation to these three complaints. This was in light of the Caller Report and S.114 report. Ms. Broadfoot advised the Committee that she disagreed with this advice as she felt that the reasons given were particular to the complaints and were just general reasons. The Caller Report had not stated that all of the complaints were inappropriate and without further information on the content of the investigation Members of the Standards Committee could not legally exercise their discretion on whether to move to a Hearing. After discussion, Members agreed that the three complaints should progress to a Local Hearing.

Samantha Broadfoot was also invited to attend the Standards Committee meeting on 13 October 2022, and advised Members that, due to a change in circumstances since the July meeting, further consideration was required. The former Chief Executive had withdrawn her allegations as part of a settlement agreement. Her complaints were also linked to those of another former senior officer, however, this officer's response as to whether they wished to proceed was unclear. A third complainant had indicated that they wished to proceed.

Ms. Broadfoot advised that the July decision should be rescinded in order to be procedurally clean and fair. The process should then be to go back a step to allow parts of the complaint to be separated out before making a decision on how to proceed on what remained. The next steps would follow the Council's normal local

arrangements. To continue could lead to very complex and difficult legal arguments with the potential for Judicial Review.

The Standards Committee agreed to suspend Standing Orders in order to re-consider the July decision and it was then agreed that the resolution of the 14 July 2022 meeting to continue to Local Hearing be rescinded.

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

The Standards Committee received a report on an independent desk top review of its handling of complaints. This review was requested by the LGA Advisory Challenge Board and undertaken by Simon Goacher of Weightmans LLP.

The report made a number of recommendations as follows:-

- 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.

The Standards Committee agreed to accept the findings (lessons learnt) and recommendations of the desktop review and that a progress report be submitted to the next meeting of the Standards Committee.

4. APPOINTMENT OF ADDITIONAL INDEPENDENT PERSONS

The appointments of the Independent Chair and Independent Person were reviewed by Council on 5 January 2022 and the continued appointment of both for the remainder of their four year appointments was endorsed.

Many Local Authorities have more than one Independent Person and because of Northumberland's size and the number of cases it was recommended that Northumberland appoint two further Independent Persons. This was endorsed by Council at its meeting on 5 January 2022. Following the appointment process Arne Beswick and Simon Openshaw were approved by Council on 2 November 2022 for a two year period which was renewable for a further maximum two year period.

5. APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES

The composition of the Standards Committee includes three non-voting Parish Council representatives. An advert was placed with the assistance of the Northumberland Association of Local Councils and two applications were received within and one outside the timeframe for applications. The Committee agreed to accept the late application. Following the appointment process Councillors Chris Barratt, David Bewley and Alan Varley were appointed to the Standards Committee until the next Parish Council elections.

6. SECTION 32 OF THE LOCALISM ACT 2011 – DISPENSATIONS

Following a number of concerns raised by Members relating to the requirement to the publication of their address on the Declarations of Interests Register, the Committee considered the current position and a number of options available to it.

Section 29 of the Localism Act 2011, required that a register of disclosable pecuniary interests be established and maintained and the details made available on the Council's public website for inspection. This had led to safety concerns being raised by Members that details such as their home address, land owned, or rented by them be made available. Section 32 of the Localism Act 2011 provided a mechanism to grant a dispensation to exclude sensitive interests from the register, where the Member and the Monitoring Officer considered that disclosure could lead to that Member or someone connected with them, being subject to violence or intimidation.

Several Local Authorities, such as the City of Westminster, did use this dispensation. In these Local Authorities, a record of the sensitive interest was held by the Monitoring Officer and any resulting pecuniary interest declared publicly but the details of the interest were not.

The Committee was informed of the following three options:-

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

Members resolved that it would be appropriate to consult with Members generally in relation to the proposed options and the outcome reported back to the Standards Committee.

7. CASELOAD

The Monitoring Officer, in conjunction with the Independent Person(s), has dealt with the following complaints since May 2022.

	Open/Ongoing	Closed/No Action Required
County	5	9
Parish	5	10

Mr. J. Jackson
Independent Chair