

## **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.

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- (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**.....