

Standards committee

Date: Tuesday, 04 July 2023

Time: 11:00

Venue: Mancroft room, City Hall, St Peters Street, Norwich, NR2 1NH

(There will be training for members of the committee from 10:00)

Committee members:

Councillors:

Driver
Huntley
Lubbock
Sands (M)
Sands (S)
Schmierer
Worley

For further information please contact:

Committee officer: Alex Hand
t: (01603) 989398
e: alexhand@norwich.gov.uk

Democratic services
City Hall
Norwich
NR2 1NH

www.norwich.gov.uk

Co-opted members:

Mr P Franzen
Vacancy

Independent person (ex officio)

Information for members of the public

Members of the public and the media have the right to attend meetings of full council, the cabinet and committees except where confidential information or exempt information is likely to be disclosed, and the meeting is therefore held in private.

For information about attending or speaking at meetings, please contact the committee officer above or refer to the council's website



If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.

Agenda

Page nos

- 1 Appointment of chair**
To appoint the chair for the ensuing civic year.
- 2 Appointment of vice-chair**
To appoint the vice chair for the ensuing civic year.
- 3 Apologies**
To receive apologies for absence.
- 4 Declarations of interest**

(Please note that it is the responsibility of individual members to declare an interest prior to the item if they arrive late for the meeting).
- 5 Minutes** **3 - 6**

To agree the accuracy of the minutes of the meeting held on 4 July 2022.
- 6 Annual Report on Standards Activity** **7 - 12**

Purpose - To provide the standards committee with an update on standards work over the past year.

Date of publication: **Monday, 26 June 2023**



MINUTES

STANDARDS COMMITTEE

10:00 – 10:30

5 July 2022

Present: Councillors Driver (chair following appointment), Fulton-McAlister (M) (substitute for Thomas (Va)), Grahame, Huntley, Lubbock, Stutely (substitute for Davis) and Young and Linda Barber (independent person).

Apologies: Councillors Davis and Thomas (Va) and Mr P Franzen (co-opted member)

1. Appointment of chair

RESOLVED to appoint Councillor Driver as chair for the ensuing civic year.

2. Appointment of vice-chair

RESOLVED to appoint Councillor Davis as vice-chair for the ensuing civic year.

3. Declarations of interest

There were no declarations of interest.

4. Minutes

RESOLVED to approve the minutes of the meetings held on 17 November 2020 and 6 July 2021.

5. Standards Committee Update Report, including Code of Conduct and Committee for Standards in Public Life response

The monitoring officer presented the report. She highlighted the fact that only one formal complaint had been received in previous year. The complaint procedure had been updated and adopted at council on 21 July 2021 and incorporated in the council's constitution.

With regard to the code of conduct, the monitoring officer highlighted that since the last update to committee on the Local Government Association (LGA) model Code of Conduct, the Government's response to the Committee for Standards in Public Life (CSPL) report had been released. However, as there were no plans for regulations to be changed, the LGA was not proposing to change its model Code of Conduct. A member commented that it seemed that the council's code of conduct was clearer

than the LGA code of conduct on the requirement to declare receipt of gifts and hospitality. Another member commented that Norfolk County Council had adopted the LGA model Code of Conduct, so it would seem sensible to have consistency with the county council. The monitoring officer said that adopting the LGA model Code of Conduct would mean that the constitution would need to be revised as some elements of the model code around declaration of interests at meetings were already included within the council's committee procedure rules. The current constitution requirements on gifts and hospitality would be retained as guidance to advise councillors.

The monitoring officer then commented on the Government's response to the CSPL report. The Government had said that there should be locally specific rules rather than a national code of conduct. The CSPL report and Government had agreed on the publication of a specific register of gifts and hospitality. She clarified that whilst the constitution stated that the receipt of gifts and hospitality may be produced to members of the public on request, the current practice was for these to be published against each individual member's record on the council's website. Therefore, she was seeking views from the committee whether they felt that there should be an annual register also published on the council's website. A member commented that for transparency it seemed sensible to publish an annual register.

Members discussed the indemnity for the independent person. They felt that this would help to protect the independent person when giving advice on standards complaints. A member commented that this would also help to 'level the playing field' for individuals from different backgrounds to become an Independent Person. The independent person commented that in her experience no subject member had contacted her about a complaint made against them.

The independent person queried whether there was a restriction on the length of time that independent person could be appointed for. The monitoring officer confirmed that there was no restriction on this. The committee had debated in the past whether a second independent person should be appointed, and this was something that could be considered.

Members discussed updating the Whistleblowing Policy to include the contact details of the external auditor. In their view it would be helpful to include these in the constitution for members of the public.

RESOLVED to:

- 1) Recommend to council that the council adopts the LGA model Code of Conduct; and
- 2) Ask the Monitoring Officer to:
 - a) Publish an annual register of Gifts and Hospitality received by members on the council's website
 - b) Offer the council's independent person an indemnity for the views they provide in respect of standards complaints; and
 - c) Update the Whistleblowing policy to include the contact details of the external auditor

CHAIR



Committee name: Standards

Committee date: 04/07/2023

Report title: Annual Report on Standards Activity

Portfolio: Councillor Kendrick, Cabinet member for resources

Report from: Head of legal and procurement (as Monitoring Officer)

Wards: All Wards

OPEN PUBLIC ITEM

Purpose

The purpose of this report is to provide the Standards Committee with an update on standards work over the past year.

Recommendation:

It is recommended that the Standards Committee adopt this annual report.

Policy framework

The council has five corporate priorities, which are:

- People live independently and well in a diverse and safe city.
- Norwich is a sustainable and healthy city.
- Norwich has the infrastructure and housing it needs to be a successful city.
- The city has an inclusive economy in which residents have equal opportunity to flourish.
- Norwich City Council is in good shape to serve the city.

This report meets the Norwich City Council is in good shape to serve the city corporate priority.

Background

1. The terms of reference for the Standards Committee are included in the Council's constitution. Primarily its functions can be summarised as:
 - a. Consider complaints about Councillors and others matters referred to it in accordance with the Council's complaints procedures;
 - b. Oversee how the Councillor Code of Conduct is operating at the Council and support the promotion of high standards by Councillors

2. This report seeks to support the work of the Standards Committee in updating it on the work undertaken over the past year by the Monitoring Officer in relation to considering complaints, and updating the Committee on local and national standards-related matters.

Complaints against Councillors

3. In July 2022, the Standards Committee reviewed the Government's response to the Committee for Standards in Public Life. The Committee had suggested that the local government transparency code should be updated to require councils to publish information about the volume of complaints it has received; what the complaints broadly relate to, the outcome and any sanctions applied. The government indicated this should be done as a matter of good practice, which the Standards Committee supported. As a result, this is the first year the information is being presented to the standards committee in full.
4. The Localism Act 2011 provides the legal framework for considering complaints against Councillors. Any procedures the Council uses must be in line with the legal framework. In July 2021, the Council adopted revised procedures for handling complaints. These procedures are periodically reviewed by the Monitoring Officer to ensure they remain relevant and up to date in line with good practice guidance and caselaw. The Council can only consider complaints where a Councillor is or appears to be acting as a Councillor; the Council cannot consider complaints about the Councillor's personal life or party political activities, albeit such complaints can be considered by the relevant Councillor's political party.
5. In general, Norwich City Council has experienced a low number of formal complaints against its councillors in the recent past, with no complaints received during 2021-22. During the past civic year (2022-23), 3 formal complaints were received against councillors and details of these are included at Appendix A for members consideration. None of the complaints have resulted in a councillor being considered to breach the Code of Conduct, and therefore the details of the councillors involved have been anonymised.
6. The Monitoring Officer also receives a number of informal complaints – where a member of the public or councillor raises a concern but does not submit a formal complaint that a Councillor has breached the code of conduct. During the year, the nature of such inquiries have included:
 - a. Occasional cases where members have disagreed with each other, for example something said at a committee meeting. The Council has a strong track record of councillors working together to resolve such disagreements.
 - b. Members of the public who have disagreed with the actions of a Councillor. Councillors have then taken steps to resolve the issue, for example by talking to the member of the public or changing a social media post.
 - c. One specific incident arose relating to a Councillor posting material on Facebook which attracted media attention. On initial review, it was clear that the matter was likely to fall outside the Code of Conduct, and therefore was referred directly to the Councillor's political party to review through their complaints process.

7. The Monitoring Officer has not identified any particular trends to draw to the attention of the Standards Committee, for example common issues experienced that may warrant further training. Unfortunately, there is no benchmarking or trend analysis undertaken nationally which may help the Council provide context on the volume of complaints it receives compared to other authorities of a similar type.

Promoting high standards of conduct amongst members of the Council

8. In July 2022, the Standards Committee reflected on the Council's code of conduct and whether it wished to adopt a revised model code of conduct. The Committee recommended adopting the Local Government Association model code of conduct, particularly given this would offer consistency to members of the public that whoever represented them would be expected to operate to the same standards.
9. This recommendation was taken forward by the Constitution Working Group and adopted by Council in September 2022.
10. Following adoption, all members were provided the opportunity to have training on the Code of Conduct. This was followed in May 2023 by inclusion of training on standards and conduct matters in the new councillor induction programme.
11. Throughout the year, the Monitoring Officer also undertakes other activities to support upholding high standards of conduct including advising members on action to take to avoid potential interests and reminders to update registers of interests, which are held on the Council's website.
12. In January 2023, the Local Government Association undertook a "peer review" to give the Council the opportunity to learn from similar organisations how it is performing. Whilst the peer review did not directly explore the code of conduct and compliance, it did examine organisational culture and leadership which are key components of effective governance. The review stated "The respect for political leadership extends across all political parties and was cited by peers as being a very positive attribute of organisational culture. Peers identified cross party working as a clear strength... The relationships between members and officers were seen as positive and constructive".
13. This serves as a useful indicator that there are effective working relationships between members, and between members and officers, which contributes to the low level of complaints received.

National trends

14. Recent years have seen a spate of national developments in the standards area, with the introduction of the Local Government Association's Code of Conduct and associated suite of guidance documents. The 2022/23 year has been somewhat quieter, as authorities begin to embed these arrangements and, in many areas, focus has been on financial governance of authorities rather than ethical governance, albeit with recognition that at times the two issues go hand-in-hand.
15. Over a period of time, public trust and confidence in public leaders has been declining. Whilst more recent studies are limited, historically studies demonstrated that scandals and conflict at senior government levels had a

tendency to impact on public perceptions of standards at local council levels. Whilst scandals may be at a national level, the increasing volume of Councils that have faced difficulties is also likely to have contributed to negative perceptions around local councils and standards.

16. With this in mind, the Committee for Standards in Public Life published their review “Leading in Practice” in January 2023. This report looks at how organisations can put ethical governance into practice, such as ensuring that a culture that encourages employees to speak up when they see wrongdoing. Later in July, the Audit Committee will receive its first annual report looking at what action the Council takes to reduce the potential incidence of fraud which covers several of the areas addressed in the Leading in Practice report.

17. Alongside public trust in elected representatives falling, there has been a rise in the level of harassment and intimidation that councillors have faced from the public. With this in mind, the Local Government Association have continued their campaign to support civility in public life, “debate not hate”. This is designed to promote the idea that disagreement in public life is part of a healthy democracy, and to reduce the level of intimidation and hate experienced by councillors. Sadly, training in personal safety for Councillors now features as an important part of our new Councillor induction plan.

Consultation

18. No specific consultation has been undertaken on this report.

Implications

Financial and resources

19. Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council’s stated priorities, as set out in its Corporate Plan 2022-26 and budget.

20. There are no proposals in this report that would reduce or increase resources. None of the standards cases referred to in this report have resulted in a formal investigation being considered necessary, and therefore the Council has not incurred costs in investigating standards cases during the year.

Legal

21. As set out in this report, the Council’s arrangements for its code of conduct and the handling of complaints against Councillors must comply with the Localism Act 2011.

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	None
Health, social and economic impact	None

Crime and disorder	None
Children and adults safeguarding	None
Environmental impact	None

Risk management

Risk	Consequence	Controls required
Failure to have appropriate mechanisms in place to support Councillors complying with the Code of Conduct	Increase in the volume or incidence of Councillors breaching the Code of Conduct, leading to declining public trust in the reputation of the Council	The Council has an adopted code of conduct for Councillors. This report provides opportunities for members to reflect on the arrangements in place for considering complaints against Councillors and those developments that may impact on Councillor conduct.

Other options considered

22. None

Reasons for the decision/recommendation


23. This report provides opportunity for members of the Standards Committee to reflect on the volume and nature of complaints received in year, as well as the processes the Council has in place to consider complaints and uphold high standards of conduct amongst its councillors.

Background papers: None

Appendices: Appendix A: Standards Cases considered in the 2022-23 civic year

Contact officer: Leah Mickleborough, Head of Legal and Procurement (Monitoring Officer)

Email address: leahmickleborough@norwich.gov.uk

	<p>If you would like this agenda in an alternative format, such as a larger or smaller font, audio or Braille, or in a different language, please contact the committee officer above.</p>
---	--

Appendix A: Standards Cases considered in the 2022-23 civic year

Nature of the Complaint	Type of complainant (e.g. councillor, member of the public)	Outcome
Councillor A did not provide information to the complainant	Member of the public	It was identified Councillor A was acting in a political party capacity. No action was taken.
Councillor B had posted something on social media that the member of the public disagreed with	Member of the public	The complaint was resolved informally as Councillor B apologised.
Councillor C had posted something on social media that the member of the public disagreed with	Member of the public	The complainant was asked to provide further information but failed to do so. The complaint is now considered closed.