

Standards committee

Date: Tuesday, 04 February 2020

Time: 10:00

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

Committee members:

Councillors:

Driver (chair)
Sands (M) (vice chair)
Fulton-McAlister (M)
Grahame
Lubbock
Oliver

Co-opted members:

Mr P Franzen
Mr C Thrower

Independent person (ex officio)

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Agenda

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| 1 | Apologies To receive apologies for absence | |
| 2 | 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) | |
| 3 | Minutes To agree the accuracy of the minutes of the meeting held on 8 October 2019. | 3 - 6 |
| 4 | Monitoring Officer Update Report Purpose: This report provides an update to the committee on complaints about members. | 7 - 10 |

Date of publication: **Monday, 27 January 2020**

STANDARDS COMMITTEE**10:00 – 11:45****8 October 2019**

Present: Councillors Driver (chair), Sands (M) (vice chair), Neale substitute for (Grahame) and Oliver
Mr P Franzen (co-opted member), Mr C Thrower (co-opted member)
and Linda Barber (Independent person)
Rachel Crosbie, monitoring officer

Apologies: Councillors Fulton-McAlister (M) and Lubbock

1. Declaration of interests

There were no declarations of interest.

2. Minutes

RESOLVED to approve the accuracy of the minutes of the meeting held on 2 July 2019.

3. Monitoring Officer report

The monitoring officer presented the report.

The monitoring officer said an individual had complained that the complaints against the councillor form was too bureaucratic and that the form should be able to be emailed in. The monitoring officer said that she found the form useful and welcomed comments from committee members.

Peter Franzen expressed concern that an individual's details could be disclosed even if they expressly asked for this not to happen. The monitoring officer said it was important that individuals making a complaint understood that there was a presumption that their identity would be disclosed. The form advised that in certain circumstances individuals may not have to disclose their identity, if they were to suffer determinant to their health or were at risk of physical harm for example. It was important that councillors were aware of who was making a complaint against them in order to avoid tit for tat cross party complaints. In the monitoring officer's experience it prevented frivolous and vexatious complaints.

The monitoring officer confirmed that a complainant's name was not publicised but disclosed to the councillor who the complaint was being made about. Members discussed the language the form used and agreed a softening in the language of the form so it were less formal would be appropriate. The monitoring officer said there was an opportunity for members of the public to get assistance to complete the form. Members discussed placing a link to the code of conduct document to assist complainants to understand what constituted a breach of the councillor's code of conduct.

Members considered that the last paragraph would benefit from greater clarity as to what constituted 'certain exceptional circumstances' when complainant's details could be disclosed without their consent.

Peter Franzen explained that within the NHS there were 'speak up guardians', individuals who operated in an independent role to encourage and support individuals to speak out about concerns they had. The monitoring officer said that she would take this as an idea to the council's internal Corporate Governance Group.

Referrals

Committee reviewed the monitoring officer's activity tracker, in terms of referrals received and outcomes. A member was referred for not treating others with respect, the member had previously been referred for a similar incident, advice was given and the relevant group leader spoken to. The monitoring officer advised the councillor in question that whilst these were low level incidents if a further incident of the same nature occurred a referral to standards committee would be made.

Members discussed breaches of behaviour on social media and the question as to whether councillors were acting in their personal or professional spheres and the challenges involved in determining this.

It was noted that most referrals received were under the heading of 'not treating others with respect'. The first two referrals for not treating others with respect in the quarter related to a councillor swearing in a meeting, the monitoring officer had spoken with the councillor referred and advice had been given. The councillor had apologised to all those present and this had resolved the matter.

The referral for a potential confidential breach of information was discussed. The councillor was spoken to and advice given.

The next referral for not treating others with respect, related to an incident which a member raised directly with their group leader who raised the matter with the monitoring officer. The monitoring officer had followed up requesting more information and that the complaints against a councillor referral form be completed. No action could be taken by the monitoring officer because no reply had been forthcoming from the individual.

The referral stating it was a general complaint related to an incident involving something posted on social media by a councillor which allegedly offended a member of the public. The member of the public did not complete a referral form and the referral was recorded as withdrawn.

The final referral on the tracker was open and the monitoring officer was unable to comment on it.

Training

Human resources were to arrange training on conflicts of interests in relation to directorships of companies and roles and responsibilities, this action was outstanding.

Committee discussed training for councillors and asked which was mandatory. The monitoring officer advised that safeguarding training for all councillors was mandatory, online training for councillors was in the process of being developed. Council employees could complete e learning and this was recorded by the system this was to be extended to councillors.

Policy

Members discussed the action to improve guidance within the gifts and hospitality policy and what was an appropriate amount to use as a guide above which a gift or hospitality should be disclosed. The amount was set at £25 for Norwich City Council employees and it was agreed that this was an appropriate amount for councillors too.

Committee on standards in public life

The monitoring officer advised that the committee on standards in public life had published its report on local government ethical standards and highlighted some key points within the report. The Nolan seven principles of public life were retained within the report. The report made a number of key recommendations which were listed at the beginning of the report; including the power to suspend councillors for six months without allowances and that councillors should have the right to appeal suspension. It proposed that an updated model code of conduct be introduced by the Local Government Association (LGA) and that the role of the independent person be strengthened and given legal protection. The introduction of a number of the recommendations from the committee on standards in public life would require legislation to be altered.

The report on local government ethical standards included a list of best practice which it considered local authorities should adopt. One best practice suggestion was to include the prohibition of bullying and harassment within local authority councillor codes of conduct and a definition of bullying and harassment. The monitoring officer noted that the council's current code of conduct did not include a definition of bullying and harassment. Committee agreed it would be useful to ask the constitutional working party to consider an amendment to the constitution to include such a definition.

Further best practice recommended included advice that local authorities ought to review their codes of conduct yearly and seek the views of the public, community groups and neighbouring authorities on this. That gifts and hospitality registers should be updated quarterly and published in an accessible format. That local authorities have access to two independent persons and that they are consulted on whether an investigation be conducted following a referral regarding a councillors

code of conduct. The monitoring officer advised that the independent person is consulted regarding referrals, however, this is not in the council's constitution.

The committee on standards in public life further recommended that when a decision was made regarding an allegation of misconduct and an investigation had taken place that the outcome of the investigation was published on the council's website. The process for raising a code of conduct complaint should be published on a local authority website with estimated timescales and possible outcomes. Provision to cater for conflicts of interest should be in place such as a monitoring officer from a neighbouring authority conducting an investigation. The monitoring officer advised that provision to enable this existed but that it was not defined within the policy.

As part of the annual governance statement council's should report on separate bodies that they own and set out what their relationship to that body is. Separate bodies which local authorities create should abide by the Nolan principles and publish their board agendas, minutes and annual reports. Finally senior officers should meet to discuss standards issues regularly with political leaders and group whips.

RESOLVED to:

- (1) note the update from the monitoring officer;
- (2) to ask the monitoring officer to review the language used within the complaints against the councillor form and provide greater clarity within the form on the circumstances when complainants details would be disclosed;
- (3) to ask the committee officer to arrange for a link from the complaints against the councillor form on the council's website to the council's code of conduct policy; and
- (4) to ask the committee officer to include the following to be considered on the agenda at the next meeting of constitutional working party:
 - to include a definition of bullying and harassment within the council's code of conduct.

CHAIR

Report to Standards Committee
04 February 2020
Report of Monitoring officer
Subject Standards update

Item

4

Purpose

This report provides an update to the committee on complaints about members.

Recommendation

To:

- 1) note the monitoring officer update; and
- 2) consider referrals received by the monitoring officer relating to councillor conduct.

Corporate and service priorities

The report helps to meet the corporate priority a healthy organisation.

Financial implications

There are no direct financial consequences of this report.

Ward/s: all

Cabinet member: Councillor Kendrick - Resources

Contact officers

Rachel Crosbie: Monitoring officer (NPLaw)01603 222313
rachel.crosbie@norfolk.gov.uk

Background documents

None

Report

Background

1. The chief responsibilities of the monitoring officer can be summarised as follows:-
 - (a) a duty to report to the Council and the Executive in any case where the monitoring officer is of the opinion that any proposal or decision is or is likely to be illegal or to constitute maladministration;
 - (b) a range of functions relating to councillors conduct;
 - (c) specific functions under the Council's Constitution.
2. The ability of the monitoring officer to undertake this role effectively depends on excellent working relations with colleagues and members and on the flow of information and access to debate particularly at early stages. The scope of the work also extends to partnership arrangements.
3. A chief responsibility of the monitoring officer is to receive and investigate complaints about members of the council.
4. Since the last meeting of standards the monitoring officer has received a number of complaints regarding councillor conduct which will be summarised at the meeting.
5. The monitoring officer will also provide members with an update on policy and training actions identified and summarised in the attached activity tracker at appendix 1.

Monitoring Officer – Activity tracker 2019-20

| Summary of Referrals | | |
|-----------------------------|---|---|
| Qtr received | Referral Type | Outcome |
| | Behaviour on social media | Advice given |
| | Behaviour on social media | Advice given |
| | Breaching of confidential council information | Advice given – addressed via training of new members |
| | Trespassing on private land | Advice given – Councillor apologised to complainant |
| | Breach of officer/ member code of conduct | Advice given – Councillor offered to apologise to officer |
| | One complaint outstanding | |
| Qtr 2 | Facebook/behaviour matter | Advice given |
| Qtr 2 | Not treating others with respect | Advice given – Councillor apologised to complainant |
| Qtr 2 | Not treating others with respect | Advice given – Councillor apologised to complainant |
| Qtr 2 | A confidential info breach | Advice given |
| Qtr 2 | not treating others with respect | Advice given |
| Qtr 2 | General complaint | Withdrawn |
| Qtr 2 | not treating others with respect | Advice given |
| Qtr 3 | not treating others with respect | |
| Qtr 3 | General complaint -referred elsewhere | |
| Qtr 3 | Possible bias | |
| Qtr 3 | Informal complaint | |
| Qtr 3 | Informal complaint | |
| Qtr 3 | Informal complaint | |
| | | |

| Training identified | Who | Timescale |
|---|---|------------------|
| Conflicts of interests in relation to directorships of companies and roles and responsibilities | HR procuring as staff likely to attend too. Training provided by Howes Percival solicitors Dec 2019. | Qtr 3 |

| Policy updates | Who | Timescale |
|--|------------|------------------|
| Improve guidance on gifts and hospitality policy | M.O | Qtr 3 |

| | | |
|---|--|-------|
| Introduce social media guidance | M.O | Qtr 4 |
| Revisions to be made to the council's whistleblowing policy to recognise the change in the external agency available for individuals to report issues through to. | Revision made, signed off at JCNC to go to CEO/ audit to review - completed. | Qtr 3 |