

STANDARDS AND ADJUDICATION COMMITTEE

DATE	22 nd September 2021
REPORT OF	Monitoring Officer
SUBJECT	Annual Standards and Adjudication Committee Report
STATUS	Open

CONTRIBUTION TO OUR AIMS

Good governance arrangements and ethical standards contribute directly to the achievement of the Council's strategic aims.

EXECUTIVE SUMMARY

This report presents the Annual Standards and Adjudication Committee report.

RECOMMENDATIONS

1. That the annual report be approved.
2. That a report on the Local Government Association's Model Code of Conduct be submitted to the next meeting of this committee.

REASONS FOR DECISION

Production of an annual report promotes transparency of the Council's standards arrangements.

1. BACKGROUND AND ISSUES

- 1.1 This report presents the latest annual report of the Standards and Adjudication Committee. In addition to general information about the committee, it provides an overview of the committee's work on handling complaints alleging breaches of the Members' Code of Conduct.
- 1.2 The annual report touches on national best practice and refers, in particular, to recent publication of the Local Government Association's Model Code of Conduct for Councillors. It is suggested that this be the subject of a separate report to the next meeting of this committee.
- 1.3 The annual report presents an opportunity for the committee to reflect on its work and to consider any further improvements to the local standards arrangements.

2. RISKS AND OPPORTUNITIES

The annual report provides an opportunity to promote the good governance and high standard of ethical behaviour in place in North East Lincolnshire. There is the risk of loss of credibility of the Council if these standards fall.

3. OTHER OPTIONS CONSIDERED

None.

4. REPUTATION AND COMMUNICATIONS CONSIDERATIONS

Setting high ethical standards is an important building block for councils in developing their community leadership role and achieving the Council's objectives. Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

5. FINANCIAL CONSIDERATIONS

There are no direct financial considerations arising from the content of the annual report.

6. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

There are no direct climate change and environmental implications arising from the recommendations in this report.

7. FINANCIAL IMPLICATIONS

There are no financial implications arising from the recommendations in this report.

8. LEGAL IMPLICATIONS

As set out in the main body of the report.

9. HUMAN RESOURCES IMPLICATIONS

There are no human resources implications arising from the recommendations in this report.

10. WARD IMPLICATIONS

All wards are affected.

11. BACKGROUND PAPERS

None.

12. CONTACT OFFICER(S)

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SIMON JONES
MONITORING OFFICER AND ASSISTANT DIRECTOR LAW, GOVERNANCE
AND ASSETS

NORTH EAST LINCOLNSHIRE COUNCIL
STANDARDS AND ADJUDICATION COMMITTEE

ANNUAL REPORT

2020/21

This report represents the annual report of the Standards and Adjudication Committee under the Council's Standards regime following the Localism Act 2011 and covers the 2020/21 Municipal Year.

Membership

The Council has determined that a Standards and Adjudication Committee comprising nine elected members should oversee its Standards arrangements. In addition, the Independent Person appointed to support the Committee would be invited to attend each Committee meeting. Accordingly the following served on the Committee during the 2020/21 Municipal Year.

Councillor Karen Swinburn (Conservative) (Chair)
Councillor James Cairns (Conservative) (Vice – Chair)
Councillor Keith Brookes (Conservative)
Councillor Bob Callison (Conservative)
Councillor Dave Watson (Labour)
Councillor Gaynor Rogers (Labour)
Councillor Debbie Rodwell (Labour)
Councillor Terry Walker (Liberal Democrat)
Councillor Jane Bramley (UKIP)

Role of Committee

The main role of the Standards and Adjudication Committee is to promote and maintain high standards of conduct, to set an example to other bodies it works with and to the community at large. The Standards and Adjudication Committee will promote, educate and support members in following the highest standards of conduct and ensuring that those standards are fully owned locally.

The role is not just about enforcing the Code of Conduct it is also about relationships both internally between members and staff and externally with the public and other stakeholders.

Under the Council's Standards Arrangements, the committee convenes, as appropriate, sub committees in the form of Referral Panels to consider complaints and Hearings Panels to determine complaints that have been investigated.

The Standards Arrangements also enable the Council to retain responsibility for receiving and determining complaints against Town and Parish Council members.

Terms of Reference

- (a) Promoting and maintaining high standards of conduct by members and co-opted members as defined by section 27 of the Localism Act 2011 ('Act').
- (b) Assisting members and co-opted members to observe the Code of Conduct adopted by the Council pursuant to section 28 of the Act.
- (c) Advising the Council on the amendment or revision of the Code of Conduct and the appointment or removal of the Independent Person/s.
- (d) Monitoring the operation of the Code of Conduct and the local 'Arrangements' and making appropriate revisions to the 'Arrangements' as considered necessary.
- (e) Advising, training or arranging to train members, co-opted members and Independent Person/s on matters relating to the Code of Conduct and the Arrangements.
- (f) Granting dispensations to members and co-opted members pursuant to the provisions of section 33 (b), (c) and (e) of the Act and on such other grounds as referred by the Monitoring Officer.
- (g) Dealing with any referrals as considered appropriate by the Monitoring Officer and to receive regular reports from the Monitoring Officer on the discharge of any delegations afforded to that position.
- (h) To consider any complaints relating to an alleged breach of the Code of Conduct in accordance with the 'Arrangements' and to convene, as appropriate, sub-committees ('Referrals Panels') to consider such matters.
- (i) To make determinations in respect of complaints that members and co-opted members of the Council and Parish and Town Councils in the borough may have breached the Code of Conduct and to convene, as appropriate, subcommittees ('Hearings Panels') to consider such matters and to impose, or recommend the imposition of, the sanctions detailed in the 'Arrangements'.
- (j) To deal with the grant of exemptions from political restriction in respect of any post holder and give directions on any post to be included in the list of politically restricted posts maintained by the authority.
- (k) To consider appeals against dismissal and grievances by employees of the Council.
- (l) To hear and determine in accordance with the appropriate conditions of service appeals against disciplinary action and against grading assessments by the Director of Finance, Operations and Resources.

- (m) To hear and determine appeals in relation to grievances required to be settled under the Council's Grievance Procedure.
- (n) To hear and determine appeals arising under the appeal arrangements relative to car allowances.
- (o) To determine student awards appeals.
- (p) To hear and determine any other internal appeal or review within the Council not falling within the delegated powers of any other Committee.

Code of Conduct

Under its Standards Arrangements the Council has developed and adopted its own locally based Code of Conduct which is compliant with the Nolan principles and has incorporated the statutory requirements concerning Disclosable Pecuniary Interests. Although free to adopt their own Codes of Conduct, all of the Town and Parish Councils in the borough have elected to adopt the Council's Code of Conduct which is encouraging uniform and consistent application across the area.

Complaints

During the period covered by this report 7 new complaints were received involving members, compared to 16 received during the previous Municipal Year. A breakdown of complaints received over the last five years is included below:

Year	North East Lincolnshire Council	Town/Parish Councils	Total
2015/16	7	1	8
2016/17	9	8	17
2017/18	6	2	8
2018/19	5	3	8
2019/20	12	4	16
2020/21	2	5	7

It would be reasonable to assume that reduced Member activity during the COVID-19 pandemic may have contributed to the reduced number of complaints.

Of the seven complaints, two related to members of North East Lincolnshire Council, and five complaints related to members of Town and Parish Councils.

The complaints related to a wide range of alleged breaches of the Code of Conduct. A majority cited bringing their office into disrepute and failure to treat others with respect and courtesy. There were also accusations of bullying or intimidation, breaching equality laws, and using their position as a member to improperly confer an advantage.

Of the seven complaints considered by the Referrals Panel or the Monitoring Officer, it was decided that no further action be taken in six of the complaints, although for one of those complaints it was agreed that advice be provided on future conduct.

Three of the five parish councillor complaints related to one parish council and one of those complaints was referred for further investigation. The outcome of this investigation is awaited.

The Independent Person

Wayne Harvie continues to support the work of the Standards Committee as the Council's Independent Person. He is assisted by Alan Hall and Susan Wroe as the Reserve Independent Persons.

Training

Code of Conduct training was provided for newly elected members following the local elections in May, 2021 as part of the Member Induction Programme. The invite was extended to all Elected Members of North East Lincolnshire Council as a refresh.

National and Regional Issues

Following publication, in January 2019, of the Committee on Standards in Public Life's report on its review of local government ethical standards, the Local Government Association drafted a model code of conduct for consultation. The model code was presented to the Standards and Adjudication Committee in August 2020 and a formal response from this council was subsequently agreed. The model code has now been published by the Local Government Association and this will be the subject of a separate report to this committee.

The Monitoring Officer and Deputy Monitoring Officer discuss emerging national standards issues with neighbouring authorities (particularly North Lincolnshire Council). The Monitoring Officer and Deputy Monitoring Officer have also attended webinars on standards matters.

Simon Jones
Monitoring Officer

Eve Richardson-Smith
Deputy Monitoring Officer

September 2021