

STANDARDS AND ADJUDICATION COMMITTEE

DATE	26 th July 2023
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

That the annual report be approved.

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 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. CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no direct implications for children and young people arising from the recommendations in this report.

7. CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

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

8. FINANCIAL IMPLICATIONS

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

9. LEGAL IMPLICATIONS

As set out in the main body of the report.

10. HUMAN RESOURCES IMPLICATIONS

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

11. WARD IMPLICATIONS

All wards are affected.

12. BACKGROUND PAPERS

None.

13. CONTACT OFFICER(S)

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**SIMON JONES
MONITORING OFFICER
AND ASSISTANT DIRECTOR LAW AND GOVERNANCE**

NORTH EAST LINCOLNSHIRE COUNCIL
STANDARDS AND ADJUDICATION COMMITTEE

ANNUAL REPORT

2022/23

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 2022/23 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 2022/23 Municipal Year.

Councillor Karen Swinburn (Conservative) (Chair)
Councillor Ian Lindley (Conservative) (Vice – Chair)
Councillor Keith Brookes (Conservative)
Councillor James Cairns (Conservative)
Councillor Bob Callison (Conservative)
Councillor Garry Abel (Conservative)
Councillor Janet Goodwin (Labour)
Councillor Kevin Shutt (Labour)
Councillor Steve Holland (Independent)

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 had developed and adopted its own locally based Code of Conduct which was compliant with the Nolan principles and had incorporated the statutory requirements concerning Disclosable Pecuniary Interests.

In January 2019, the Committee on Standards in Public Life (CSPL) published their report 'Local Government Ethical Standards', which set out a number of conclusions and recommendations to strengthen standards arrangements in local government. One of the CSPL's recommendations was that "The Local Government Association (LGA) should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government." The LGA drafted an updated model of code of conduct, which was the subject of formal consultation, which North East Lincolnshire Council responded to. Further updates to the Code have since been made as a result of early feedback from those councils which first adopted the code. The model code of conduct was adopted by North East Lincolnshire Council with effect from 1st January 2023, subject to a minor amendment to include reference to planning site visits.

A key factor behind the request for a model code of conduct was the potential benefit of all town and parish councils adopting the same so that a consistent approach could be followed across local government. Town and Parish Councils in the borough have been encouraged to adopt the Council's revised Code of Conduct and, to date, the majority have done so. We will continue to encourage those who have yet to adopt to do so as soon as possible.

Complaints

During the period covered by this report 2 new complaints were received involving members, compared to 18 received during the previous Municipal Year. A breakdown of complaints received over the last eight 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
2021/22	12	6	18
2022/23	2	0	2

The two complaints related to a range of alleged breaches of the Code of Conduct including not acting in accordance with the Council's procedural requirements regarding the use of and application for ward funding, using their position as a member to improperly confer an advantage, bringing their office into disrepute, disclosing information given in confidence, preventing persons from gaining access to information and not acting in accordance with the requirements of the Council's IT and information security policies.

The complaints were considered by the Referrals Panel and in both cases it was decided that no further action be taken as neither stage 1 or 2 of the assessment criteria had been met.

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 as the Reserve Independent Person.

Training

Code of Conduct training was provided for newly elected members following the local elections in May, 2023 as part of the Member Induction Programme. The invite was extended to all Elected Members of North East Lincolnshire Council as a refresh given the new Code of Conduct and register of interests requirements.

National and Regional Issues

As previously reported, the Committee on Standards in Public Life's report on its review of local government ethical standards was published in January 2019. All best practice recommendations within that report have been responded to by North East Lincolnshire Council. There were further recommendations within the report that would require the Government to make legislative changes. Whilst the model code of conduct has been progressed, we await proposals on other changes to, for example, the sanctions regime. The committee will be kept updated as and when any further changes are proposed to the local standards arrangements.

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 attended webinars on standards matters and the Deputy Monitoring Officer also attended an annual standards conference.

Simon Jones
Monitoring Officer

Eve Richardson-Smith
Deputy Monitoring Officer

July 2023