

NORTH EAST LINCOLNSHIRE COUNCIL
STANDARDS AND ADJUDICATION COMMITTEE

ANNUAL REPORT

2017/18

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 2017/18 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 2017/18 Municipal Year.

Councillor Terry Walker (Labour) (Chair)
Councillor Janet Goodwin (Labour) (Vice – Chair)
Councillor Annie Darby (Labour)
Councillor Ray Sutton (Labour)
Councillor Keith Brookes (Conservative)
Councillor Bill Parkinson (Conservative)
Councillor Ron Shepherd (Conservative)
Councillor Jane Bramley (UKIP)
Councillor Christina McGilligan-Fell (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 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 17 received last year. A breakdown of complaints received over the last three 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 | 5 | 2 | 7 |

Of the seven complaints, five related to members of North East Lincolnshire Council, and two complaints related to members of Town and Parish Councils. One of the Town and Parish Council complaints was determined by the Monitoring Officer under delegated powers while the remaining six complaints have been considered by the Referrals Panel.

The complaints related to a wide range of alleged breaches of the Code of Conduct such as failure to treat with respect and courtesy; bullying or intimidation, disrepute, using their position as a member to improperly confer an advantage, disclosing information provided in confidence, and failure to act in accordance with the Council's reasonable requirements.

Of the seven complaints considered by the Referrals Panel or the Monitoring Officer, two were referred for investigation (with one of those being for external investigation).

In addition, there have been a number of complaints carried forward from the previous Municipal Year. The Hearings Panel has sat twice to consider investigations in relation to three members of Humberston Parish Council and four members of Immingham Town Council. In all cases, evidence of a breach of the respective code of conduct was found and the Hearings Panel recommended further training be undertaken.

The Independent Person

In September 2012, as part of the Council's Standards Arrangements as required under the Localism Act 2012, the Council appointed Mr Jonathan Goolden as the Independent Person to support the work of the Standards Committee. At the same time, Mr Wayne Harvie was appointed as the Reserve Independent Person.

During the course of the current Municipal Year, Mr Goolden has announced his intention to stand down from the position of Independent Person and Mr Harvie has been deputising on a number of the complaints referred to above. The post is currently being advertised and a panel comprising Members of the Standards and Adjudication Committee will be involved in the appointment process.

Training

Code of Conduct training will be provided for newly elected members following the local elections in May, 2018 as part of the Member Induction Programme. The invite will be extended to all Elected Members of North East Lincolnshire Council as a refresh and to the clerks and members of the Town and Parish Councils.

National and Regional Issues

The Committee on Standards in Public Life is undertaking a review of local government ethical standards. The consultation closes on 18th May, 2018 and the Standards and Adjudication Committee's views have been sought via a separate report. The outcome of the consultation will be reported back to the Committee once known.

The Monitoring Officer and Deputy Monitoring Officer attend the Yorkshire and Humber Monitoring Officer Special Interest Group which discusses standards issues and provides a supportive environment and network to discuss specific concerns.

Simon Jones
Monitoring Officer

Eve Richardson-Smith
Deputy Monitoring Officer

February 2018