

NORTH EAST LINCOLNSHIRE COUNCIL
STANDARDS AND ADJUDICATION COMMITTEE

ANNUAL REPORT

2019/2020

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 2019/20 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 2019/20 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 16 new complaints were received involving members, compared to 8 received last 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

Of the sixteen complaints, twelve related to members of North East Lincolnshire Council, and four complaints related to members of Town and Parish Councils. Of the four Town and Parish Council complaints, three were determined by the Monitoring Officer under delegated powers and the other was referred to Humberside Police as it related to potential failure to register disclosable pecuniary interests.

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, using their position as a member to improperly confer an advantage, and not disclosing interests correctly.

Of the fifteen complaints considered by the Referrals Panel or the Monitoring Officer, it was decided in every case that no further action be taken, although for four of the complaints it was agreed that advice be provided on future conduct. A decision is awaited from Humberside Police on the complaint that was referred to them.

There were three complaints where no further action could be taken as it was decided that the councillor was not acting in their official capacity. Under the Localism Act 2011, local authority codes of conduct can only apply to local councillors when they are acting in their capacity as a councillor. This forms part of the Code of Conduct stage one assessment criteria but is perhaps not immediately obvious to people when they are considering making a complaint and can cause some frustration on being informed that a matter cannot be investigated for this reason. It is recommended to the Standards and Adjudication Committee that the code of conduct complaints form be updated to make it clear that the Code of Conduct only applies to councillors when acting in their official capacity.

The Independent Person

At the meeting of North East Lincolnshire Council on 18th December, 2019, the appointment of Wayne Harvie as the Council's Independent Person, supporting the work of the Standards Committee, was agreed. At the same time, Alan Hall and Susan Wroe were appointed as the Reserve Independent Persons.

Training

Code of Conduct training was provided for newly elected members following the local elections in May, 2019 as part of the Member Induction Programme. The invite was 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. The cancellation of local elections in May, 2020 meant that these sessions have not been repeated but they will be included in the Member Induction Programme to be implemented following the local elections in May, 2021.

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 outcome of the consultation is awaited.

The Chair of the Committee on Standards in Public Life has recently requested an update from local authorities on progress against the best practice recommendations contained within its report. A copy of this council's response is attached at Appendix 1.

The Monitoring Officer and Deputy Monitoring Officer have previously attended the Yorkshire and Humber Monitoring Officer Special Interest Group which discusses standards issues, but this group has not met for some time. However, discussions do take place with neighbouring authorities (particularly North Lincolnshire Council) on emerging national issues. The Monitoring Officer and Deputy Monitoring Officer have also attended webinars on standards matters, such as the model code of conduct.

Simon Jones
Monitoring Officer

Eve Richardson-Smith
Deputy Monitoring Officer

December 2020