

NORTH EAST LINCOLNSHIRE COUNCIL
STANDARDS AND ADJUDICATION COMMITTEE

ANNUAL REPORT

2021/22

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 2021/22 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 2021/22 Municipal Year.

Councillor Karen Swinburn (Conservative) (Chair)
Councillor James Cairns (Conservative) (Vice – Chair)
Councillor Tanya Brasted (Conservative)
Councillor Keith Brookes (Conservative)
Councillor Bob Callison (Conservative)
Councillor Charlotte Croft (Conservative)
Councillor Hayden Dawkins (Conservative)
Councillor Marie Green (Labour)
Councillor Matt Patrick (Labour)

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 7 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 |
| 2021/22 | 12 | 3 | 15 |

It is noted that the number of complaints received during 2021/22 is similar to that of 2019/20 after a lower figure in 2020/21 during the time of the COVID pandemic.

Of the fifteen incidents, twelve related to members of North East Lincolnshire Council, and three 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 breaching equality laws and using their position as a member to improperly confer an advantage.

The complaints were considered by the Referrals Panel or the Monitoring Officer, and in all cases it was decided that no further action be taken. In the majority of cases,

this was due to be there being insufficient evidence to suggest a breach of the Code of Conduct and therefore, taking into account the assessment criteria, no merit or public interest to warrant an investigation or further action. The panel did request that one councillor apologise for any unintended distress caused. The panel also requested that a small number of elected members who had not refreshed their Members Code of Conduct training within the required 4 years, despite numerous course dates being made available, be encouraged to complete the training when the next session was arranged. There was a recurring theme around complaints not having met the stage one assessment criteria due to the member concerned not acting in their official capacity at the time of the incident. Nevertheless, the panel was keen for Members to be reminded that they should be setting an example and therefore needed to retain high standards even in other areas of their public life. An incident involving parish councillors was referred for investigation and one of the councillors resigned before the investigation concluded but the outcome of the investigation was that no further action be taken although it was noted that relationships needed to be rebuilt within the parish council.

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, 2022 as part of the Member Induction Programme. The invite was extended to all Elected Members of North East Lincolnshire Council as a refresh, with a particular reminder for those who had not completed it within the required refresh period.

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 draft 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 at its meeting in December 2022.

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

August 2022