

**NORTHAMPTON BOROUGH COUNCIL**

**STANDARDS COMMITTEE**

Your attendance is requested at a meeting to be held at the This meeting will be held remotely at <https://www.youtube.com/user/northamptonbcTV> on Monday, 30 November 2020 at 5:00 pm.

**George Candler**  
**Chief Executive**

**AGENDA**

1. APOLOGIES
2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
6. STATISTICS - CODE OF CONDUCT ARRANGEMENTS COMPLAINTS
7. EXCLUSION OF PUBLIC AND PRESS

THE CHAIR TO MOVE:

“THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT.”

**Public Participation**

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

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### STANDARDS COMMITTEE

Monday, 29 June 2020

**PRESENT:** Councillor Patel (Chair); Councillor Oldham (Deputy Chair); Councillors Bottwood, B Markham, Marriott, Parekh and Russell and Parish Councillor Hook (Co-Optee), Parish Councillor Lewis (Co Optee), I Castkra (Co Optee) and R Mehaffy (Co-Optee)

#### 1. APOLOGIES

There were none.

#### 2. MINUTES

Subject to Councillor Oldham being removed from the list of attendees, the minutes of the meeting held on 2 December 2019 were signed by the Chair as a true and accurate record.

#### 3. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

#### 4. DECLARATIONS OF INTEREST

There were none.

#### 5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

There were none.

#### 6. LOCAL GOVERNMENT ETHICAL STANDARDS - COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Deputy Monitoring Officer advised that the Standards Committee had met in January 2020 and had considered the recommendations of the Committee on Standards in Public Life in detail. The Working Group supported all of these 25 recommendations.

The Democratic and Member Services Manager advised that notification had been received by the Local Government Association that that the Committee's comments on the draft Model Code of Conduct had been received.

The Committee made comment, asked questions and heard:

- The recommendations were supported by the Committee
- Concern was raised regarding the recommendation that Councillor's addresses are not published. It was recognised that this was around safety issues.
- It was suggested that it is recommended to the Standards Committee of the West Northants Unitary Authority that it considers the recommendations of the Committee on Standards in Public Life.
- Councillors should be clearly visible during remote meetings, having their camera on at all times.

RESOLVED:

It was resolved that:

- (1) The Committee supports the 25 recommendations of the Committee on Standards in Public Life.
- (2) When published, the draft Member Code of Conduct, as produced by the Local Government Association, is presented to the Standards Committee for consideration.
- (3) It is recommended to the West Northamptonshire Unitary Authority that when published, the draft Member Code of Conduct, as produced by the Local Government Association, is presented to its Standards Committee for consideration.

## **7. INTERNAL AUDIT REPORT: MEMBER-OFFICER RELATIONSHIP REVIEW**

The Deputy Monitoring Officer presented the report and highlighted the salient points. It was particularly highlighted:

- As set in previous reports in relation to the Protocol, action may only be taken against a Member where they are alleged to have breached the Code of Conduct adopted by the Council under the provisions of Part 1 of the Localism Act 2011. When such a complaint is made it must be dealt with in accordance with the *Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils* which are contained in the Constitution for the purpose of implementing those provisions of the Localism Act 2011.
- Case law in 2018 has made clear that it is not permissible to have a 'dual system' of considering allegations against Members by using an authority's grievance procedure and, should such a course of action be taken, it will not bind the Member concerned.
- Accordingly, Committee should note that action may only be taken against a Member in relation to any alleged breach of any revised Protocol if the allegation concerned would also be a breach of the Council's Code of Conduct.

The Committee commented:

- The realised there could not be two conflicting Codes of Conduct
- There is need to be mindful of the time that NBC has left prior to Unitary Council
- It was suggested that this report is not considered by both the Constitutional Working Group and full Council but just full Council.
- No additional comments were made by the Committee on the draft Member/Officer Protocol

RESOLVED:

It was resolved that:

- (1) The work undertaken by the Member and Officer Working Group was noted.
- (2) Having considered the comments of the Working Group it was agreed, to recommend the Protocol to full Council for adoption into the Constitution.

## **8. STANDARDS COMMITTEE ANNUAL REPORT 2019/2020**

The Chair presented the Standards Committee Annual Report 2019/2020 and thanked the Committee and Officers for all the work that they had undertaken over the past year.

The Committee supported the publication of the Standards Committee Annual Report 2019/2020.

RESOLVED:

It was resolved that:

The Standards Committee Annual Report 2019/2020 is approved and published on the Councils webpage.

## **9. CODE OF CONDUCT ARRANGEMENT COMPLAINTS**

The Standards Committee received a report detailing statistics in relation to Code of Conduct Arrangements complaints.

In response to a query, the Deputy Monitoring Officer advised that due to the nature of some of the complaints. The timeframe for resolution of complaints can take some time.

RESOLVED: That:

- (1) The statistical data in relation to the number of complaints received and dealt with is noted.
- (2) Statistical data in relation to the number of complaints received and dealt with is presented to the Committee at each meeting.

The meeting concluded at 17:20 hours

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Appendices: 0



## STANDARDS COMMITTEE REPORT

<b>Report Title</b>	<b>STATISTICS – CODE OF CONDUCT ARRANGEMENTS COMPLAINTS</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	30 November 2020
<b>Policy Document:</b>	No
<b>Directorate:</b>	Borough Secretary and Monitoring Officer

### 1. Purpose

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- 1.1 The purpose of the Report is to provide the Committee with information by reporting on the statistics regarding the number of complaints received and dealt with under the “*Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members’ Code of Conduct and of Codes of Conduct adopted by Parish Councils*”.
- 1.2 At its meeting of 18 December 2017, the Standards Committee requested that statistical information be presented to each meeting of the Committee; with updates on the live complaints, new complaints and complaints that have been actioned and closed since the last meeting.

### 2. Recommendations

- 2.1 To note the statistics in relation to the number of complaints received, and dealt with, under the Code of Conduct Arrangements.
- 2.2 That statistical data in relation to the number of complaints received and dealt with, in respect of the Code of Conduct Arrangements is presented to each meeting of the Committee.

### 3. Issues and Choices

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#### 3.1 Report Background and Issues

- 3.1.1 It was resolved at the meeting of the Standards Committee held on 17 July 2017 that information regarding the number of complaints received and dealt with under the Code of Conduct Arrangements would be presented to the

Committee at its next meeting in October. This information was presented to the Committee in October 2017.

3.1.2 The Committee requested that the data presented to it was elaborated upon to include further statistics regarding the complaints, such as the time taken to resolve the complaints and the outcomes of each complaint.

3.1.3 Further information was provided to the Standards Committee at its meetings in December 2017, March 2018, June 2018, September 2018, December 2018, March 2019, June 2019, September 2019, December 2019 and June 2020.

3.1.4 The data in paragraph 3.1.5 below relates to all Code of Conduct complaints that are still live, have been closed since the last Committee in June 2020 or have been received since the June 2020 Committee meeting.

3.1.5

#### **a) Complaint against a Parish Councillor**

##### **1) Complaint received on 29 May 2018**

This file is open.

An initial assessment made by the Solicitor, on behalf of the Monitoring Officer, in consultation with the Independent Person, was held on 24 July 2018. The determination of the initial assessment of the complaint was that the complaint would be referred to an investigation. An Investigator has been appointed and the investigation has been concluded. The Investigator's conclusion was:

*It is the view of the Investigating Officer that the Subject Member acting in his capacity as a Councillor and that there is a case to answer by the Subject Member for failure to comply with the Council's Code of Conduct.*

The Solicitor on behalf of the Monitoring Officer, has in consultation with the Independent Person reviewed the Investigator's report, and decided to refer the matter to the Standards Committee.

Therefore, a Hearings Panel of the Standards Committee will be established to conduct a Local Hearing in accordance with the Council's Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils. The Hearings Panel will conduct a Local Hearing to decide whether the Parish Councillor failed to comply with the Parish Council's Code of Conduct and, if so whether any action should be taken in respect of the Councillor.

Membership of the Hearings Panel:



Councillors Patel, Oldham, Marriott, Ms Castkra (Co-Optee (Independent) and Parish Councillor Lewis (Co Optee). Councillor B Markham (substitute).

A Hearings Panel was held on 23 July 2019 and it was resolved that:

In order to provide the subject Member with a further opportunity to attend a future Panel Hearing into the complaints against him and to consider the relevant and disclosable correspondence in relation the Investigating Officer's report the Hearing Panel resolved to adjourn the Hearing and reconvene at a later date. The subject Member to be provided with a copy of this Decision Notice.

The Hearings Panel re-convened on 18 November 2019 and it was resolved that the Hearing Panel would adjourn to a later date. The date of the Hearing Panel has not as yet been scheduled.

## **b) Complaint against Borough Councillors**

### 1) Complaint received on 25 March 2017

As reported to the December, March, June, September, December 2018 March, June 2019, September, December 2019 and June 2020 meetings of the Standards Committee, this file is still open.

The determination of the initial assessment of the complaint was that the complaint would be held in abeyance pending the outcome of a separate investigation.

### 2) Complaint received on 4 February 2020.

An initial assessment made by the Deputy Monitoring Officer, in consultation with the Independent Person has taken place. The determination of the initial assessment of the complaint was that the Councillor would apologise to the complainant.

This file is closed.

### 3) Complaint received on 4 October 2020

This file is open.

An initial assessment, with the Deputy Monitoring Officer, in consultation with the Independent Person is scheduled to take place by the end of November 2020. The determination of the initial assessment will be provided to the meeting.

## **3.2 Choices**

3.2.1 Members are asked to note the information provided.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1.1 This report does not have any direct policy implications.

### **4.2 Resources and Risk**

4.2.1 This report does not have any direct resource implications.

### **4.3 Legal**

4.3.1 Complaints received are dealt with in accordance with the *Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils* which were adopted pursuant to the Localism Act 2011.

### **4.4 Equality**

4.4.1 There are no direct equality and diversity implications arising from this report.

### **4.5 Consultees (Internal and External)**

4.5.1 Not applicable.

### **4.6 Other Implications**

4.6.1 None.

## **5. Background Papers**

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5.1 Complaints received in respect of the Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils.

**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**