

Standards Committee

Date: Monday 18 January 2021

Time: 10.00 am

Venue: Teams meeting ([Please click on this link to view the meeting](#))

Pursuant to The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020, the 27 July 2020 Standards Committee meeting of Norfolk County Council will be held using Microsoft Teams.

Members of the Committee and other attendees will be sent a separate link to join the meeting.

Membership

Cllr Clare Bowes
Cllr Sarah Butikofer
Cllr Mark Kiddle-Morris (Chairman)
Cllr George Nobbs

Cllr Graham Middleton
Cllr John Ward
Cllr Tony White (Vice-Chairman)
NCC Chairman (Ex-Officio).

Mr S Jones

Independent Person

**For further details and general enquiries about this Agenda
please contact:**

Nicola Ledain on 01603 223053
or email: committees@norfolk.gov.uk

Agenda

1. Apologies

To receive apologies and details of any substitute Members attending

2. Minutes

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To agree the minutes of the meeting held on 27 July 2020.

3. Members to Declare any interests

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is on your Register of Interests you must not speak or vote on the matter.

If you have a **Disclosable Pecuniary Interest** in a matter to be considered at the meeting and that interest is not on your Register of Interests you must declare that interest at the meeting and not speak or vote on the matter

In either case you may remain in the room where the meeting is taking place. If you consider that it would be inappropriate in the circumstances to remain in the room, you may leave the room while the matter is dealt with.

If you do not have a Disclosable Pecuniary Interest you may nevertheless have an **Other Interest** in a matter to be discussed if it affects, to a greater extent than others in your division

- Your wellbeing or financial position, or
- that of your family or close friends
- Any body -
 - Exercising functions of a public nature.
 - Directed to charitable purposes; or
 - One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

Of which you are in a position of general control or management.

If that is the case then you must declare such an interest but can speak and vote on the matter.

4. To receive any items of business which the Chairman decides should be considered as a matter of urgency

5. Local Government Association Model Councillor Code of Conduct 2020

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Report by the Director of Governance & Monitoring Officer

6. Performance and Monitoring report

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Report by the Director of Governance & Monitoring Officer

7. Appointment of Independent Persons

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Report by the Director of Governance & Monitoring Officer

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Date Agenda Published: 7 January 2021



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**Standards Committee
Minutes of the Meeting Held on Monday 27 July 2020
at 10.30am**

Present:

Cllr Mark Kiddle-Morris (in the Chair)	
Cllr Claire Bowes	Cllr John Ward
Cllr George Nobbs	Cllr Tony White (Vice-Chairman)
Cllr Dan Roper	

Independent Members Present:

Mr S Jones

Also in Attendance:

Helen Edwards - Director of Governance and Monitoring Officer

1. Apologies

- 1.1 Apologies were received from Cllr Sarah Butikofer (Cllr Dan Roper Substituted).

2. Minutes

- 2.1 The minutes of the meeting held on 9 October 2019 were confirmed as a correct record and signed by the Chairman.

3. Declarations of Interest

- 3.1 There were no interests declared.

4. Urgent Business

- 4.1 There was no urgent business to consider.

The Committee **agreed** to consider agenda item 6 (Performance and Monitoring Report) as its next item of business.

5. Performance and Monitoring Report

- 5.1 The Committee received a report from the Director of Governance and Monitoring Officer updating it on matters of standards and conduct since the last meeting.
- 5.2 In introducing the report, the Director of Governance & Monitoring Officer drew the Committee's attention to the following:

- The report covered the period from 28 September 2019 to 10 July 2020.
- No complaints had been received since the report was written on 10 July 2020.
- Six complaints had been received during the period, one of which was the same complaint made by two individuals. The complaint had been concluded through the County Council's complaints procedure.
- One complaint had resulted in a hearing by the Standards & Hearings Sub-Committee which had investigated the complaint and issued a reprimand, requiring the Councillor to undertake training. The Councillor concerned had undertaken the required training with a recognised expert in standards and conduct for councillors and the case had now concluded.
- Both Independent Persons had been consulted regarding a complaint about failure to respond to correspondence. The complaint did not proceed as, after initial investigations, it was found that a response had been sent.
- One hearing of the Standards Hearing Sub-Committee had been held during the period.
- No requests for dispensation had been received during the reporting period.

5.3 The Committee considered the report and **RESOLVED** to **note** the Council's performance in relation to Member standards and conduct during the period 28 September 2019 to 10 July 2020.

6. Consideration of draft model Code of Conduct

6.1 The Committee received the report by the Executive Director of Strategy & Governance asking it to consider the Local Government Association's draft model Code of Conduct so the Director of Governance and Monitoring Officer could respond to the consultation, on behalf of the County Council, by the deadline of 17 August 2020.

6.2 The Director of Governance & Monitoring Officer introduced the report during which the following points were noted:

- Once the consultation had finished, the final draft from the LGA was expected to be issued in the autumn. Once the final draft was received, the Standards Committee would meet to review the final draft.
- The Director of Governance & Monitoring Officer would respond to the consultation by the deadline of 17 August 2020.
- The Standards Committee, at its meeting on 9 October 2019, had considered a report by the Committee on Standards in Public Life "Review of Ethical Standards in Local Government" which had recommended a number of areas where ethical standards could be strengthened. Therefore issues such as sanctions could not be included until Government Legislation had been passed.

6.3 The Committee considered the comments received from Councillors and

Officers following the circulation of the consultation document by the Director of Governance & Monitoring Officer.

- 6.3.1 The LGA's Model Code of Conduct would be better and more inspirational if it follows our own Code which says: "Championing the needs of residents – the whole community and in a special way all my constituents and putting their interests first".

The Committee felt that the comment "in a special way" was unclear and any future reviews in the current Code of Conduct could consider removing those words.

- 6.3.2 The Committee discussed the comments made by Officers and agreed that when the review of the Norfolk County Council Constitution took place, it could be amended to incorporate the comments and to remove any ambiguity around expected behaviours of Councillors.

- 6.4 The Committee considered each question in the consultation document and **agreed** the Director of Governance & Monitoring Officer should submit the following responses on behalf of the County Council:

6.4.1 **Question 1**

To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?

Agreed Response: **"To a great extent"**.

Question 1a (If you would like to elaborate on your answer, please do so here:

More clarity is required regarding the social media aspect, particularly whether this would only apply when acting as a Councillor.

6.4.2 **Question 2**

Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations and which are guidance?

Agreed response: **"No"**.

Comment: The Committee felt it was not clear which were obligations, legal requirements or guidance and noted that if the guidance was included in the code of conduct there could still be breaches.

6.4.3 **Question 3**

Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?

Agreed response: **"Personal tense (I will)"**.

Comment: Some Members of the committee felt using the passive tense

would make it easier for members of the public to understand, although the use of the personal tense would make the document easier to use.

6.4.4 Question 4

To what extent do you support the 12 specific obligations?

Question	Response
1. Treating other councillors and members of the public with civility.	To a great extent.
2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.	To a great extent.
3. Not bullying or harassing any person.	To a great extent.
<p>4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council</p> <p>Comment: The Committee considered that the text did not reflect the definition. Members felt the integrity of officers should not be compromised, but felt it would be right for councillors, particularly Cabinet Members to expect some influence over information included in reports and recommendations and be able to disagree with officers.</p>	To a great extent.
<p>5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.</p> <p>Comment: The Committee wanted clarity as to what “confidential information” meant and whether this meant exempt reports or personal information.</p>	To a moderate extent.
6. Not preventing anyone getting information that they are entitled to by law	To a great extent
<p>7. Not bringing my role or council into disrepute.</p> <p>Comment: The Committee considered the title needed to reflect the text in the guidance.</p>	To a moderate extent
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.	To a great extent.
9. Not misusing council resources.	To a great extent.
10. Registering and declaring my interests.	To a great extent.
11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant	To a great extent.

advantage.	
12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.	To a great extent.

6.4.5 **Question 5**

If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:

None.

6.4.6 **Question 6**

Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation:

Agreed Response: **“Each specific obligation followed by its relevant guidance”**.

6.4.7 **Question 7**

To what extent do you think the concept of “acting with civility” is sufficiently clear?

Agreed Response: **“To a great extent”**.

The Committee felt that there should be a full stop at the end of “civility” as the other point made the sentence more confusing.

6.4.8 **Question 8**

To what extent do you think the concept of “bringing the council into disrepute” is sufficiently clear?

Agreed Response: **“To a moderate extent”**.

Comments:

- a) The Committee felt that the explanatory text/guidance only referred to dishonesty or deceit, and clarity was needed about what constituted disrepute as well as including examples of what a breach of the obligation looked like.
- b) The Committee also felt that, to give greater clarity, the guidance should include “councillor role” rather than just “role”.

6.4.9 **Question 9**

To what extent do you support the definition of bullying had harassment used in the code in a local government context?

Agreed response: **“To a great extent”**.

6.4.10 **Question 10**

Is there sufficient reference to the use of social media?

Agreed response: **“No”**.

6.4.11 **Question 10a.**
Should social media be covered in a separate code or integrated into the overall code of conduct?

Agreed response: **“Integrated into the code”**.

6.4.12 **Question 10b**
If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here:

Comments: The Committee wanted more clarity in the code about the use of social media and what a breach could look like. Some Members thought a Councillor was a Councillor all the time, while other Members felt this provision could impinge on the right to free speech. The Committee also queried how much of a Councillor’s life could be kept private, for example if a Councillor made a private comment that contravened a council policy, it could cause difficulties.

6.4.13 **Question 11**
To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?

Agreed response: **“To a great extent”**.

6.4.14 **Question 12**
Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?

Agreed response: **“In the main body of the code”**.

6.4.15 **Question 13**
To what extent do you support the inclusion of these additional categories for registration?

Comments: Although members did not object in principle to registering these interests, they did object to the proposal that having these other interests would prevent a Councillor from taking part in a meeting, believing this would be unduly restrictive, and prevent local knowledge being used appropriately. An example was given of a member on a local drainage board, feeling that local knowledge would be useful in a meeting discussing floods, so would not want to have to leave the meeting.

Question	Response
Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council	Don’t know/prefer not to say.
Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management	Don’t know / prefer not to say.
Any organisation, association, society or party	Don’t know / prefer

directed to charitable purposes	not to say
Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)	Don't know / prefer not to say.

6.4.16 **Question 14**

To what extent do you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?

Agreed Response: **“To a great extent”**.

6.4.17 **Question 15**

The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?

Agreed response: **“Yes, but the amount should be reviewed annually with the code’s review”**.

6.4.18 **Question 16**

The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful Please rank 1-5 with 1 being the most useful.

Agreed response:

- 1 Explanatory guidance on the code. (b)**
- 2 Case studies and examples of good practice. (c)**
- 3 Supplementary guidance that focuses on specific areas, eg social media. (d)**
- 4 Regularly updated examples of case law. (a)**
- 5 Improvement support materials, such as training and e-learning packages. (e)**

6.4.19 **Question 17**

If you would like to make any further comments about the code, please do so here.

None.

6.5 The Director of Governance and Monitoring Officer would complete the draft response, in consultation with the Chairman, and circulate it to the Committee before its submission to the LGA.

6.6 The Committee considered the draft code and **RESOLVED:**

- To ask the Director of Governance and Monitoring Officer to respond to the LGA’s consultation by the deadline of 17 August 2020.

The meeting finished at 12.05pm.

**Mark Kiddle-Morris
Chairman**

Standards Committee

Report title:	Local Government Association Model Councillor Code of Conduct 2020
Date of meeting:	18 January 2021
Responsible Chief Officer:	Helen Edwards, Director of Governance & Monitoring Officer
Strategic impact To assist Members of the Standards Committee to consider the appropriate Councillor Code of Conduct for Norfolk County Council	

Executive summary

Recommendation: To consider the LGA Model Code of Conduct and determine whether to recommend to Council that it should be adopted in whole or with local amendments

1. Introduction

Every local authority is required to adopt a Code of Conduct in relation to the conduct of its elected members. The LGA has produced a Model Councillor Code of Conduct included at App A) following work during 2020, including consultation with local authorities. This Standards Committee considered the draft Code at its meeting on 27 July 2020 and authorised the Director of Governance to submit its response to the consultation. The final version of the LGA Code of Conduct was published on 23 December 2020, and it is intended that the LGA will review it annually to ensure that it remains fit for purpose.

2. Action Required

Every local authority is required to adopt a Code of Conduct. The Council currently has a Code of Conduct included within its Constitution. Standards Committee is asked to consider the LGA Code and decide whether to recommend to Full Council that it should adopt the Code, either in whole or with local amendments.

3. Recommendation:

That members of the Standards Committee consider the LGA Model Code of Conduct and determine whether to recommend to Council that it should be adopted in whole or with local amendments.

Officer Contact

If you have any questions about matters contained in this paper please get in touch with:

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Standards Committee

Report title:	Performance and Monitoring report
Date of meeting:	18 January 2021
Responsible Chief Officer:	Helen Edwards, Director of Governance & Monitoring Officer
Strategic impact	
To assist Members of the Standards Committee to fulfil their role in relation to ethical standards of the Council and its Members	

Executive summary

To update members on matters of standards and conduct since the last meeting held on 27 July 2020

Recommendation:

Standards Committee is asked to consider the Council's performance in relation to member standards and conduct during the period 11 July 2020 to 31 December 2020.

1. Introduction

1.1 At each meeting of the Standards Committee the Monitoring Officer provides a report to update Committee members on matters relating to standards and ethics.

2. Performance and Monitoring: 11 July 2020 to 31 December 2020

2.1 New Complaints during this period.

There has been only one new complaint made in this period. Details are as follows:

(i) Complainant: member of the public

Complaint: no specific element of the code was stated, but the complaint was consistent with an allegation of failure to treat with respect (complaining about comments made by a councillor, reported in the EDP)

Date of complaint: 17 August 2020

Status: Monitoring Officer found that on balance the comments reported were made by the councillor in his private capacity (such that the code did not apply). It is likely that the EDP would not have interviewed him if he was not a councillor but the event about which he was interviewed was not in his capacity as a councillor. No further action deemed necessary.

2.2 Involvement of the Independent Person

Both Independent Persons were consulted in respect of the complaint and whether the councillor was acting in his capacity as a councillor at the time.

2.3 Hearings

There have been no hearings of the Standards Hearings sub-committee during this period.

2.4 Register of Interests

The Register of Interests (consisting of the declaration of interests forms for all Council Members) is published on the Council's website.

2.5 Dispensations for Disclosure of Pecuniary Interests

There have been no requests for dispensations during this period.

3. Recommendation:

Standards Committee is asked to consider the Council's performance in relation to member standards and conduct during the period 11 July 2020 to 31 December 2020.

Officer Contact

If you have any questions about matters contained in this paper please get in touch with:

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Standards Committee

Decision making report title:	Appointment of Independent Persons
Date of meeting:	18 January 2021
Responsible Cabinet Member:	Cllr Andrew Proctor (Cabinet Member for Governance and Strategy)
Responsible Director:	Tom McCabe, Head of Paid Service
Introduction and background <p>The Localism Act 2011 specifies that every Council must appoint, through a proper recruitment process, at least one independent person. Independent persons play a key role in the Council's procedures for investigating complaints relating to ethical standards and their views are sought and considered before a decision is made on whether a Member has breached the County Council's Code of Conduct.</p> <p>Norfolk County Council currently has two independent persons who were appointed for a period of four years in December 2016. The current appointees have agreed to extend their appointment until the end of April 2021 to allow for a recruitment process to begin in the new year and for new appointees to begin in their role at the start of the new Council in May 2021.</p> Recommendations <p>The Standards Committee is asked to:</p> <ol style="list-style-type: none">1. Extend the appointment of the current two independent persons until the end of April 2021 to allow for a recruitment process to take place early in 20212. Ask Officers to proceed with the recruitment process to appoint two new independent persons for a period of 4 years as from May 2021.	

1. Background and Purpose

- 1.1. The Localism Act 2011 outlined the importance of retaining a proper degree of independence within the system for dealing with complaints relating to ethical standards. This was intended to ensure transparency, and provide assurance that complaints are dealt with effectively and at a distance from the political arena. For this reason, every Council must appoint, through a proper recruitment process, at least one Independent Person. In March 2016 this Committee noted that the appointment of one single person had given rise to difficulties at certain times and agreed to appoint two persons to ensure resilience in covering the duties of the role.
- 1.2. The Localism Act sets out very specific criteria for who can undertake the role. A person is not independent for these purposes if they are a "member, co-opted member or officer of the authority" (or relevant parish council) or a relative or close friend of such person.

Furthermore, an independent person may not be appointed "if at any time during the 5 years ending with the appointment" the person was a member, co-opted member or officer of the authority (or relevant parish council).

- 1.3. At the full Council meeting on 12 December 2016 County Council approved the appointment of two independent persons: Alan Squirrell and Stephen Jones. The terms of their appointment ceased in December 2020 however, due to the current COVID situation both have agreed to extend their appointment until 30th April 2021. This will also allow for any new appointments to coincide with the term of the new Council from May 2021.

2. Proposals

- 2.1. Independent persons need to be trusted, experienced and objective advisors from diverse backgrounds. They provide their services to the council on a voluntary basis and they:
- Do not have voting powers
 - Are not officers, councillors or Standards Committee members
 - Are not co-opted onto the council
 - Their views must be taken into account by Standards Committee in any case where an investigation has been commissioned and the committee has to make a decision

The views of the Independent Persons may be considered by the Director of Governance and Monitoring Officer at various stages during any informal processes. They may also give their opinions to a Councillor who has had a complaint made about them and who seeks advice. It is important to note that this role will not extend to advocacy. An independent person will remain objective, therefore, in the advice that he/she gives to members, the monitoring officer and Standards Committee.

- 2.2. The Localism Act prescribes the process for appointing an Independent Person.
- the vacancy for an independent person must be advertised in such manner as the authority considers is likely to bring it to the attention of the public,
 - the person must have submitted an application to fill the vacancy to the authority, and
 - the person's appointment must be approved by a majority of the members of the authority;
 - a person appointed as an Independent Person does not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment.
- 2.3. The Standards Committee is asked to note that the process for appointing an Independent person for the 4-year period from May 2021 will commence in January 2021. Full Council will be asked to approve the appointment of any candidates at the AGM in May 2021.

3. Impact of the proposal and reasons for decision

- 3.1. Appointing two Independent Persons will ensure that the County Council complies with the Localism Act 2011. It will also ensure that we have robust measures in place for dealing with complaints relating to ethical standards and transparency in our processes.
- 3.2. Appointing two Independent Persons will ensure that the County Council has access to more than one independent perspective and will provide continuity and resilience should

one person not be available or needs to stand down before the end of the term of their appointment. Allowing the term of appointment to coincide with the cycle of the term of the County Council from May 2021 will allow newly appointed Independent persons to attend any relevant induction training.

4. Financial Implications

- 4.1. Independent persons are entitled to claim remuneration at a rate of £25 per hour for work carried out in respect of their duties.

5. Resource Implications

5.1. **Staff:**

N/A

5.2. **Property:**

N/A

5.3. **IT:**

N/A

6. Other Implications

6.1. **Legal Implications**

Not appointing an Independent Person(s) in May 2021 would put the County Council at risk of not complying with the Localism Act 2011.

6.2. **Human Rights implications**

N/A

6.3. **Equality Impact Assessment (EqIA) (this must be included)**

In considering the advertising and appointment of any Independent Person the Council will seek to ensure that candidates come forward from as diverse a background as possible.

6.4. **Health and Safety implications (where appropriate)**

N/A

6.5. **Sustainability implications (where appropriate)**

N/A

6.6. **Any other implications**

7. Select Committee comments

- 7.1. This report has not been considered by the Select Committees.

8. Recommendations

8.1. The Standards Committee is asked to:

1. Extend the appointment of the current two independent persons until the end of April 2021 to allow for a recruitment process to take place early in 2021

2. Ask Officers to proceed with the recruitment process to appoint two new independent persons for a period of 4 years as from May 2021.

9 Background Papers

[Localism Act 2011 – Codes of Conduct](#)

Officer Contact

If you have any questions about matters contained in this paper, please get in touch with:

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