

MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE HELD IN THE
COUNCIL CHAMBER, WALLFIELDS,
HERTFORD ON TUESDAY 28 JANUARY 2025,
AT 7.00 PM

PRESENT:

District Council Members:

Councillors V Burt, N Clements, N Cox,
A Parsad-Wyatt and T Stowe

Independent Persons:

Nicholas Moss

ALSO PRESENT:

Co-optee Councillors Patricia Furness and
Ian Hunt

OFFICERS IN ATTENDANCE:

James Ellis	- Head of Legal and Democratic Services and Monitoring Officer
Peter Mannings	- Committee Support Officer

301 APOLOGIES

An apology for absence was received from Councillor Carter. It was noted that Councillor Cox was substituting for Councillor Carter.

302 CHAIR'S ANNOUNCEMENTS

The Chair said that an email had been received from Parish Councillor Ian Hunt regarding a consultation in respect of strengthening the standards and the conduct framework for local authorities in England. She invited the Head of Legal and Democratic Services to provide some more details.

The Head of Legal and Democratic Services thanked Parish Councillor Hunt for raising this matter. He said the consultation could be accessed from the Ministry for Housing, Communities and Local Government (MHCLG) website, and this consultation was open until the 26 February 2025. It could be completed by individual Members or one unified response which he could submit on the committee's behalf.

The Head of Legal and Democratic Services advised that the consultation could be pushed out to all Members via the Members Information Bulletin that was sent out every Friday. He invited the independent person to speak as he was attending a meeting at the MHCLG this week.

Nicholas Moss, Independent Person, addressed the committee in respect of the consultation. He said that hearing what Members had to say would help him prepare what he would have to say at the MHCLG meeting on 30 January 2025.

The Independent Person supported the government's proposal to reinstate a national compulsory code of conduct. Such a code had been introduced in 2007 but discontinued under the Localism Act 2011 in favour of a requirement for every council to have a code but with discretion as to its content.

The Independent Person also noted the applicability of the current code in circumstances only where a member was acting 'in capacity', i.e., only when dealing with council business. He considered that this provision

warranted tightening.

In his view, when individuals stood successfully for election, they became subject to an expectation that they would be circumspect in their general conduct.

The Independent Person said that he was aware of instances where elected councillors had, for example, made unpleasant, offensive, or rude remarks on social media in a quasi-private capacity, capitalising on the fact that there were elected members and, therefore, known in their communities. He said that because they were not dealing with council business, the code could not be engaged, and they avoided the potential for a breach of the code and a possible sanction.

The Independent Person noted also that the sanctions arrangements needed to be updated, and that he favoured the proposal to reintroduce the power to suspend members for code breaches, subject to its being applied judiciously.

He concluded by suggesting that the automatic disqualifications in common law and in statute also merited tidying to ensure clarity so that people knew what was expected of them if they stood for election.

The Chair suggested that the Independent Person's observations might usefully be made available to other members.

The Head of Legal and Democratic Services said that he would also be attending the meeting of the MHCLG in a remote capacity, and he would be listening to the discussion.

Members were advised that by including the consultation information in the Members Information Bulletin, this would encourage as many Members as possible to be

involved.

The Head of Legal and Democratic Services confirmed to the chair that the link to this evening's meeting could be included in the article in the Members' bulletin. Councillor Parsad-Wyatt said that it would be helpful for all Members if the 5 key areas of the consultation could be lifted from the consultation website.

The Independent Person said that it would be useful if Members could see what the government was actually saying in the consultation. He said that some of the questions were more discursive but that the document was an easy read. He commended it to members as he felt it was central to the function of the Standards Committee.

The Chair said that the consultation would be pushed out to all Members with advice to view the beginning of this meeting, and to go onto the consultation website itself for a more in depth look at the questions.

Councillor Stowe said that it was important that Members complete the consultation individually as people in rural and town areas might see certain points quite differently.

303 DECLARATIONS OF INTEREST

There were no declarations of interest.

304 MINUTES - 16 JULY 2024

Councillor Parsad-Wyatt proposed, and Councillor Clements seconded, a motion that the Minutes of the meeting held on 16 July 2024 be confirmed as a correct record and signed by the Chair, subject to the following amendments:

Co-optee Councillors Furness, Hunt and Kenyon be added

to the list of those present at the meeting.

Delete in minute 91: **RESOLVED** – that Councillor Townsend be appointed as Vice-Chairman of the Standards Committee for 2023/24

Replace with: **RESOLVED** – that Councillor Clements be appointed as Vice-Chair of the Standards Committee for 2024/25

After being put to the meeting and a vote taken, the motion was declared carried.

RESOLVED – that the Minutes of the meeting held on 16 July 2024 be confirmed as a correct record and signed by the Chairman, subject to the following amendments:

Co-optee Councillors Furness, Hunt and Kenyon be added to the list of those present at the meeting.

Delete in minute 91: **RESOLVED** – that Councillor Townsend be appointed as Vice-Chairman of the Standards Committee for 2023/24

Replace with: **RESOLVED** – that Councillor Clements be appointed as Vice-Chair of the Standards Committee for 2024/25.

305 STANDARDS UPDATE

The Head of Legal and Democratic Services and Monitoring Officer submitted a report that updated Members of the Committee on the standards complaints that had been received during the last six months.

Members were referred to the anonymised complaints detailed in the table at paragraph 2.4 in the report, and this included a summary under the action taken column.

The Head of Legal and Democratic Services said that a replacement link had been sent out where one link was not accessible. Members were advised that Officers had taken on board what was suggested at the last meeting in respect of withdrawn complaints being included in the report with an explanation of where a complaint had been discontinued.

The Head of Legal and Democratic Services welcomed any questions. Councillor Ian Hunt asked if it was possible to know who had made the complaints, i.e., if it was a councillor or the public.

The Head of Legal and Democratic Services said that he was happy to give that update, and he updated Members in respect of whether each of the complaints had been made by a councillor or by a member of the public.

The Chair asked if a councillor was informed if a complaint had been judged to not be a matter that would be addressed by the standards regime. The Head of Legal and Democratic Services said that the most regular occurrence of a complaint coming forward that wasn't a standards matter was where a member of the public was unhappy with their councillor in terms of how they were responding, or not responding to correspondences such as e-mail and phone calls.

The Head of Legal and Democratic Services said complaints regarding displeasure about a councillor's responsiveness was not a standards complaint. He summarised the advice he gave out in such circumstances and said that he would, out of courtesy, contact the councillor and mention the contact from the constituent and request that the councillor respond.

Members were advised that regarding any other form of complaint, the Monitoring Officer would have to take a

view on it in terms of whether the Member needed to be informed. The Head of Legal and Democratic Services said that there were examples where there was a benefit to talking to a councillor to see if a matter could be resolved separately.

The Chair thanked the Head of Legal and Democratic Services and Monitoring Officer for his report. It was moved by Councillor Clements and seconded by Councillor Cox, that the recommendation detailed in the report be approved. After being put to the meeting and a vote taken, this motion was declared CARRIED.

RESOLVED – that (A) the report be received; and

(B) any observations be passed on to the Head of Legal and Democratic Services and Monitoring Officer.

306 CODE FOR LOCAL AUTHORITY STATUTORY OFFICERS

The Head of Legal and Democratic Services and Monitoring Officer submitted a report that updated the Standards Committee on the Code of Practice on Good Governance for Local Authority Statutory Officers, which had been produced collaboratively between SOLACE, CIPFA and LLG.

Members were advised that the report was self-explanatory, and they were advised of the function of the three bodies that together formed the golden triangle within local authorities. The Head of Legal and Democratic Services said that the code sought to strengthen the golden triangle and having a very strong golden triangle in a local authority was important and was the best way to ensure good governance.

Members were advised that this report was evidence of the council's commitment to strengthening the golden

triangle and showed a determination to ensure that each point of that triangle in senior positions were included in all decision making and were able to attend meetings of the Leadership Team. The code emphasised the need for that attendance and the report reiterated that the Nolan Principles were there for everyone who worked in a public role.

The Head of Legal and Democratic Services explained that formal adoption of the code by Council was an option and would demonstrate a serious intent by the local authority to reaffirm the important of emphasising that those three points were working effectively together.

Councillor Clements said that he was interested in the report that was referenced by the Local Government Association (LGA). He expressed a concern regarding the working of the golden triangle and commented on whether the code had been brought forward in response to the LGA report.

The Head of Legal and Democratic Services said there were new Officers in the statutory roles, and he would have to talk to the Chief Executive about the status of the report. He said that some of the commentary in the DMA report would be slightly out of date now.

Members were advised that the golden triangle was working well, and regular meetings were taking place between the Interim Chief Executive, the new Interim Section 151 Officer, and the Monitoring Officer.

The Head of Legal and Democratic Services said that the code was being prepared by SOLACE, CIPFA and LLG in any event, and the code was being adopted by numerous local authorities and by several local councils in the area and was therefore not being brought in as a direct response to the aforementioned LGA report. He said that having the code in place would ensure that Officers could

refer to a useful and helpful external document if there was any uncertainty as to how the golden triangle should be operating.

The Chair thanked the Head of Legal and Democratic Services and Monitoring Officer for his report and said that she felt that it would be useful for this code to come to Full Council so that all Members had sight of the document.

The Head of Legal and Democratic Services said that in his role as the Monitoring Officer, he had a lot to do with the LLG and he used their website a lot and attended a lot of LLG events. He said that he did not have much to do with CIPFA and SOLACE, and having collaboration from all three organisations to produce one document was very useful.

Councillor Parsad-Wyatt said that he understood the rationale for the report. He said that having this structure in place now was useful to take the council into the future, would support the postholders that formed the golden triangle, and would ensure good governance. He agreed that taking the code forward to Full Council with the support of the Standards Committee would be useful.

Councillor Stowe asked if this matter would have to be considered by Overview and Scrutiny Committee first. The Head of Legal and Democratic Services explained that it would be for the Chair of Overview and Scrutiny Committee to consider whether this would be a report for the committee to consider. He said that it was in the Overview and Scrutiny Committee's terms of reference to consider the formation of new policy or codes that were coming forward.

Members were advised that irrespective of whether it came before Overview and Scrutiny, it would still be added value to have the fact recorded that it went to

Standards Committee and it was considered by Members as a good thing to bring forward. The code would be taken forward for formal adoption with the views of the Standards Committee and possibly the Overview and Scrutiny Committee as well.

The Head of Legal and Democratic Services said that he was happy to discuss with Members about suggestions in terms of how information was presented regarding the future operation of the golden triangle. He emphasised that some issues between Officers were Human Resources (HR) matters that might be sensitive and not appropriate for reporting to a public committee. The Independent Person suggested that the Member/Officer protocol may be a better way of monitoring relations between officers and members.

It was moved by Councillor Stowe and seconded by Councillor Parsad-Wyatt, that the recommendations detailed in report be approved.

After being put to the meeting and a vote taken, the motion was declared CARRIED.

RESOLVED – that (A) Members consider the Code and provide any comments to the Head of Legal and Democratic Services and Monitoring Officer; and

(B) the Standards Committee recommend to Council the formal adoption of the Code for Local Authority Statutory Officers.

307 URGENT BUSINESS

There was no urgent business.

The meeting closed at 7.43 pm

Chairman
Date