

# Public Document Pack




**Meeting:** Democracy and Standards Committee  
**Date:** Tuesday 6th June, 2023  
**Time:** 7.00 pm  
**Venue:** The Council Chamber, Corby Cube, George Street, Corby, Northants, NN17 1QG

To members of the Democracy and Standards Committee

Councillor Andy Mercer (Chair), Councillor Ian Jelley (Vice-Chair), Councillor Jean Addison, Councillor Wendy Brackenbury, Councillor Robin Carter, Councillor Melanie Coleman, Councillor Emily Fedorowycz, Councillor Clive Hallam, Councillor Kirk Harrison, Councillor Matt Keane, Councillor Paul Marks, Councillor Dorothy Maxwell and Councillor Michael Tye

(Substitutes: Councillors Tim Allebone, Ross Armour, Paul Bell, Lyn Buckingham, Mark Dearing, Dez Dell, Jonathan Ekins, Philip Irwin, Anup Pandey, Roger Powell, Chris Smith-Haynes, Joseph Smyth and Kevin Watt).

<b>Agenda</b>			
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<b>06</b>	Code of Conduct - National Learning Case Studies	Adele Wylie	25 - 28
<p>Adele Wylie, Monitoring Officer North Northamptonshire Council</p>  <p><b>Proper Officer</b> <b>Friday 26 May 2023</b></p>			

This agenda has been published by Democratic Services.

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# Agenda Item 3



## Democracy and Standards Committee

Held at 7.00 pm on Monday 13th March, 2023 at The Council Chamber, Corby Cube, George Street, Corby, Northants, NN17 1QG

### Present:-

Councillor Lora Lawman (Chair)	Councillor Macaulay Nichol
Councillor Jean Addison	Councillor Andy Mercer
Councillor Lyn Buckingham	Councillor Dorothy Maxwell
Councillor Robin Carter	Councillor Gill Mercer
Councillor Emily Fedorowycz	Councillor Michael Tye
Councillor Paul Marks	Councillor Kevin Watt

### Officers:

Adele Wylie, Executive Director, Customer & Governance (M/O)  
George Candler, Executive Director Place & Economy  
Rob Harbour, Assistant Director of Growth & Regeneration  
Paul Gault, Interim Democratic Services Manager  
Ben Smith, Democratic & Election Services Manager

### 53 Apologies for absence

**Resolved** to note that an apology for absence was received from Councillor Kirk Harrison.

### 54 Members' Declarations of Interest

The chair invited those members present, who wished to do so, to make any declarations of interest.

**Resolved** to note that the following declarations were made:

- (i) Councillors L Lawman, M Nichol, J Addison, Lyn Buckingham, R Carter, E Fedorowycz, P Marks, D Maxwell, A Mercer, G Mercer, M Tye and K Watt made a declaration as either a committee member an Area Planning Committee, or a substitute member, and/or as a Member sitting on the Planning Transformation Board; or as a Town or Parish Councillor who dealt with Planning items.

All members clarified that they were considering the report on the proposed amendments to the Planning Scheme of Delegation & Committee Structure (Item 56) with an open mind.

### 55 Approval of the minutes of the meeting held on 9 January 2023

The minutes of the meeting held on 9 January 2023 were received.

**Resolved** that the minutes of the meeting of 9 January 2023 be approved and signed as an accurate record of the meeting.

## **56 Proposed Amendments to the Planning Scheme of Delegation and Committee Structure**

The report of the Executive Director of Place and Economy was received in relation to the proposed amendments to the Planning Scheme of Delegation & Committee Structure.

The Assistant Director of Growth and Regeneration presented the report to committee.

He explained that a Peer Review of the planning service had been undertaken in September 2022 by the Planning Advisory Service (PAS). The review had included an extensive set of interviews and focus groups with a wide range of internal and external stakeholders.

The findings of the report had been provided to the Executive and an Action Plan had been agreed to enable a detailed programme of transformation activity and governance arrangements to be drawn, with a series of recommendations for the planning service, to help it through the current transformation of bringing together five legacy local planning authorities to form a single harmonised and high-performing planning service for North Northamptonshire.

The Planning Transformation Board, had been set up to oversee the delivery of the Action Plan, and the Constitutional Working Group reviewed the scheme of delegation and number of committees. Further details of the PAS review were found within the report to committee.

The main findings of the review found there were too many area committees, that boundaries remained as per the former council areas, that many meetings were very short or had been cancelled and that there was a cost implication in taking applications to committee. The review of the scheme of delegation would provide a robust and consistent planning service for North Northamptonshire.

The following had been carried out:

- A review of the Planning Scheme of Delegation and the development of an amended scheme based upon best practice and supported by NNC planning data
- A review of the planning committee system and the development of proposals for a revised committee structure, supported by NNC planning data, that optimised efficiency and would enable committees to focus on the most significant applications.

PAS had also identified the key issues they considered were affecting the current scheme of delegation:

- The ability for town and parish councils to dictate which applications go to committee
- That undue weight was given to the number of objections.

Provided at Table 1 to the report, was data relating to application numbers, what went to each of the five planning committees, and cancelled meetings where a single application was heard.

This indicated that significantly more applications were taken to the Thrapston Area Planning Committee with a disproportionate number of applications being triggered for consideration as a result of town and parish councils' objections to the case officer's recommendations.

This was also supported in Table 2 which detailed the town and parish council committee trigger data with 61% being triggered by an unresolved representation from a town or parish council. Of these, 93% of the decisions were made in line with the officer's recommendations.

Mr Harbour confirmed that research of seven other high-performing unitary authorities planning schemes of delegations and planning performance was shown in Table 3 of the report with the findings showing that there was common ground to the current scheme of NNC including the triggers of:

- Significant implications to, or departure from, the Development Plan (7 of 7 authorities)
- Ward member call-in (7 of 7)

The majority of schemes included certain other triggers shared with NNC's scheme:

- Senior officer referral for contentious applications (6 out of 7)
- Application by a member (or their immediate family) (4 of 7)
- Application by a senior officer (4 of 7)
- Application by an officer in the Planning Service (5 of 7)
- Application where the council is the landowner (5 of 7)
- An unresolved representation from a town or parish council (4 of 7)

Very few shared the trigger of an unresolved representation from a statutory consultee (2 of 7).

The Planning Transformation Board and Constitutional Working Group considered how the scheme of delegation could be best amended and concluded that the following proposals be considered:

- Amend the Planning Scheme of Delegation so the trigger relating to an unresolved objection from a town and parish council only relates to major applications
- Amend the Planning Scheme of Delegation so that the trigger relating to an unresolved objection from a statutory consultee only relates to major applications.

This would ensure that only the most significant applications would be considered by committee. The proposals would not place any restrictions on a town or parish council or other statutory consultee from making representations on any planning application, or to liaise with local NNC ward councillors to seek a member call-in to committee.

Attached at Appendix A to the report was the draft Planning Scheme of Delegation for consideration of the committee.

The PAS report also found that:

- The costs of taking applications to committee are much higher than delegated decisions
- Committees should consider only the most significant applications
- An excessive number of householder and minor applications were being considered by committee

Again, research was undertaken with other unitary councillors and the outcome showed that:

- Six of the seven authorities operated a structure with a single planning committee meeting on a monthly basis
- One authority operated a Planning Committee with two sub-committees (however 33% of its committees in 2022 considered only a single application.

The Planning Transformation Board and Constitutional Working Group both agreed that the current committee structure did not work well and concluded that the optimal number of planning committees be two and that these be aligned to specific



geographical areas within the administrative boundary of North Northamptonshire as detailed in Appendix B to the report. The areas of North and South, would continue to follow ward boundaries. Meetings would be held at a suitable venue in each of the geographical areas.

The proposed amendments to the Planning Committee Terms of Reference were appended to the report at Appendix C.

Mr Harbour concluded his presentation by referring to the recommendations contained within the report.

The chair thanked Mr Harbour for his comprehensive presentation.

The committee considered the report and comments are summarised below:

- Concerns that town and parish councils' often meet infrequently and would find commenting on applications difficult within the timescale set. A suggestion was made that the number of days for a response be increased.
- A question was asked as to whether town and parish councils were provided with the weekly list of applications
- Members commented on their own experience as town or parish councillors and how there was often a very tight time schedule in which to read, digest and form a response to an application
- The new geographical areas were discussed with comments about the North area being quite large and the split of the former East Northants area into both the North and South committee.
- Concern was also expressed about applicants or objectors having to travel a distance to attend a meeting with some considering this was not democratic. It was asked if the meetings could continue to rotate within each geographical area, rather than always at the same venue.
- Controversial applications – several councillors commented on the need to ensure that the public were heard and had the opportunity to request that an item was put before committee when an application was considered controversial.
- There was also concern that local knowledge would be lost and that often officers did not have the relevant local knowledge to decide, rather than the committee doing so.
- Questions were asked about which councillors would be allocated to each committee and what training would be given, as currently councillors would

know their own area well but may not know another ward area in the same way.

- Members noted that they currently had the ability to add conditions to an application.
- Some members considered that there would be insufficient councillors on the committee, whilst others felt there would be too many.
- There was also concern over the quorum, which would be dependent on the final numbers agreed for committee membership.
- Some members had previously experienced threats being made against them after making a decision that was not popular, and it was considered that having a larger number of councillors and a larger quorum would help with the decision-making process.
- Members commented that there would still be substitutes that would be able to be called on.
- The provision of weekly lists needed to be enhanced and sent to all councillors, town and parish councils. Outcomes also needed to be provided on the same basis. If applications were delegated to officers, councillors needed to be made aware.
- Objectors needed to be able to voice their concerns and be heard.
- The planning system needed to be transparent.
- Ward members needed to have the opportunity to request a call-in.
- Some concern was raised that with there only being two committees the meetings would be very lengthy.

Mr Harbour responded to members concerns.

- With regard to the time limit for responses, there could be some flexibility to increase this for town or parish councils from 21 days to 24 days. However, the longer the response time was extended, the less time there was for officers to process the application. He did comment that if town or parish councillors contacted the officer a short extension could be offered.

- There was a need to be mindful of timescales as an authority could be put in special measures for failing to determine within a given period.
- Ward Councillors could still comment on applications.
- With regard to controversial applications, these would generally be significant, and the Ward Councillor could request a call-in, there would be objections from the public or a Senior Planning Officer would trigger the application to be put before committee.
- Major applications could be triggered by a response from town or parish councils.
- The scheme of delegation included multiple measures to bring an application forward to committee.
- Direct objections from the public, ward members and town and parish councils could trigger a call-in.
- The public had full access to all planning applications through the council's website.
- The planning service would remain transparent with officer reports being available on the website.
- Thorough training would be provided to all committee members and substitute members, including training on minerals and waste issues.
- The committee venues could be decided by officers/the committee and there could be a possibility for the public to join meetings remotely. This would not be applicable for committee members as they had to be present for the decision-making process.

Councillor Mercer raised concern over the scheme of delegation and proposed the following amendments to Appendix A:

- Page 25, third column, point (iv) that the wording be amended to include the words in italics to read as follows:  
  
(iv) Applications that the *Chair or Vice-Chair of the relevant planning committee*, considers are potentially contentious and raise material planning issues, or would affect the wider public interest.
- Page 27, third column, final paragraph that the wording be amended as follows:

The request shall be considered by the Chair or Vice Chair of the relevant Planning Committee in consultation with the senior planning officer and if they consider the application is controversial or has material planning issues the application shall be called in.

A lengthy debate ensued with some concerns over the wording particularly being raised by the Assistant Director, who questioned why a senior planning officer on point (iv) could not bring forward a controversial application. Decisions had to be made on material planning considerations. Planning officers were professional officers and had to follow regulation and law.

Members continued to debate this point and suggested that the wording at point (iv) should include the senior planning officer and that it should therefore read as follows:

(iv) Applications that the *Chair or Vice-Chair of the relevant planning committee and Senior Planning Officer*, consider are potentially contentious and raise material planning issues, or would affect the wider public interest.

Councillor A Mercer agreed that this would be a suitable amendment.

Debate continued in relation to the amendment on page 27.

The Interim Democratic Services Manager suggested that there had been considerable discussion around the word 'controversial', and there was a need for a clear definition of what 'controversial' actually meant. During the decision-making process this would have to be justified.

The chair suggested that the wording read as follows:

- The request shall be considered by the Chair or Vice-Chair of the relevant Planning Committee, with the advice of the senior planning officer, and if the referral contains a material planning issue the application shall be called in.

She also suggested that an explanation of the word 'controversial' be included within the document. Mr Harbour confirmed that the amendment was acceptable and that he could add an explanation of 'controversial' as a footer to the document.

The chair also proposed that on page 27 the penultimate paragraph be amended from 21 days to 25 days and to read as follows:

- The request shall be received by the relevant senior planning officer within 25 calendar days from the date the application was first published on the council's website and notified to councillors, or during any further notification period required following receipt of amendments to the scheme.

The chair noted that the scheme of delegation would be a 'living document' and could be reviewed as and when required.

Members then discussed the Terms of Reference for the committee and the number of councillors who should sit on each committee. There were differing opinions on this

with some councillors suggesting an increase and others a reduction. The quorum was also discussed.

The chair suggested that each committee be reduced to nine members.

Councillor A Mercer suggested that each committee be increased from 11 to 13 members with a quorum of seven.

Some concern was expressed that the number of unitary councillors may reduce once the current Boundary Review was concluded and that this may have an impact on the availability of councillors to sit on committees.

The chair put the option of either nine councillors or 13 councillors with a quorum of seven to the vote.

With a majority vote it was agreed that each committee be formed with 13 members and a quorum of seven.

The Interim Democratic Services Manager clarified that each committee would need to be politically balanced and it would be up to individual groups to appoint members to each committee.

It was also suggested that delegated power be given to the Chair and Vice-Chair to agree the final wording.

**Resolved to recommend** to full council that:

- (i) The proposed amendments to the Council's Planning Scheme of Delegation, as set out in Appendix A, with the amendments as agreed by the committee, be approved;
- (ii) The Council's Planning Committee structure be amended to two planning committees (North and South) with a geographical split as detailed in Appendix B;
- (iii) The Terms of Reference for the Planning Committees be amended as set out in Appendix C, with the number of members on each committee being 13 and the quorum being increased to seven, to reflect the proposed Planning Committee Structure.
- (iv) Delegated authority be given to the Chair and Vice-Chair to make any changes to the final wording of the documentation to reflect the decision of the committee.

This item concluded at 9.40pm and the chair proposed that the meeting be adjourned for ten minutes prior to reconvening.

Councillor Tye left the meeting and did not return.

## 57 **Review of Scrutiny Committees (Report to follow)**

The meeting reconvened at 9.50pm.

The chair proposed that standing orders be waived to enable the meeting to continue for a maximum of 30 minutes. This was seconded by the vice-chair and on being put to the vote declared carried.

The report of the Executive Director of Customer and Governance (Monitoring Officer) was received in relation to the Scrutiny Review.

The report detailed the current governance arrangements of an executive model which required under statute to operate at least one scrutiny committee.

The Executive Director presented the findings of the review to the committee and explained that the purpose of the scrutiny function was to influence policies and decisions made by the Executive and other organisations delivering services to the public, by reviewing key decisions made by the Executive, investigating important service delivery and strategic policy issues (i.e. through task & finish groups) and where appropriate through the call-in procedure challenging key decisions made.

She referenced the two current committees of the Scrutiny commission and Finance and Resources Scrutiny Committee and the work that had been undertaken. Whilst the scrutiny function of the Council had developed well since May 2021 it was recognised that the quantity of work required to be undertaken exceeded the existing capacity and a review of scrutiny arrangements was needed at both member and officer level. It was recognised that scrutiny's role in relation to other public service providers requires enhancement and that a more outward focussed scrutiny.

Members had been invited to attend a presentation on the proposals and were able to feedback verbally and in writing. Senior Officers were also consulted on the proposals.

Comments were also provided by the Centre for Governance and Scrutiny and its response was appended to the report at Appendix B.

The findings and recommendations were detailed in the report with a recommendation that a Scrutiny Management Board be established. This would avoid unnecessary delays, ensure that strategic ownership of scrutiny remained with members and would stop duplication. The Board will comprise the Chairs and Vice-Chairs of the Scrutiny Committees and will strategically drive forward the scrutiny function. The Board would manage the workload of the scrutiny function, agree agenda items and the Workplan, complete the Annual Scrutiny Report and lead on the member development programme for scrutiny members.

There was positive feedback from members on this role and the Centre for Governance and Scrutiny were also supportive of an overarching Board.

It was therefore proposed that the Board be a formally constituted body, open to the public, and transparent.

The Constitutional Review Working Group's proposal was that the Scrutiny Management Board determine call-in requests and the Scrutiny Procedure Rules

reflected this. There would be a streamlined process and the members of the Board would build expertise in dealing with such requests. The Centre for Governance and Scrutiny considered this would be most productive.

The Council also has a statutory duty to scrutinise health and to review the integration of health, public health and social care to ensure maximum outcomes can be achieved for the benefit of the public.

Originally, crime and disorder and scrutiny of the Community Safety Partnership fell under this committee due to the link between crime and disorder and health outcomes. The Centre for Governance and Scrutiny felt that this had a better fit in the Place and Environment Scrutiny Committee. The Constitutional Review Working Group had mixed views on this, but it had been moved to Place and Environment in the draft Scrutiny Procedure Rules.

The report detailed the importance of relationships with key partners such as the NHS, the Police etc. The Scrutiny Management Board would have a key role in ensuring partner engagement is enhanced in any new structure and that the agendas would be outward facing as well as inward. This was also raised in member feedback as a priority.

In relation to the Council's corporate objectives around Place and Economy there were various significant projects ongoing and some key elements of service delivery require regular review of performance e.g. the highways contract. The proposal that a Place and Environment Scrutiny Committee be created had been well received and other than the movement of crime and disorder to this Committee there were no changes to the original proposal.

Corporate scrutiny was currently undertaken by both committees resulting in duplication between the two. Comments about whether the Committee would have the capacity to ensure strong financial scrutiny had been made and whether there should be a specific Committee to focus entirely on the budget. Investigations had found that other councils had managed to undertake this within corporate scrutiny.

The annual budget process had been undertaken in an intensive and structured way since the new authority was established and this would continue and had been programmed into the calendar of meetings.

This committee would mirror the work of the current Finance and Resources Scrutiny Committee and will scrutinise finance and performance which are integral to each other. It will also scrutinise external partnerships and companies such as the Children's Trust. Currently the Children's Trust is scrutinised across committees which does not allow members to collate a rounded view of it.

Panels would be created with a maximum of four panels being established throughout the year to undertake more detailed work. The recommendation previously from the Centre for Governance and Scrutiny had been that there should be a maximum of three. This is a formal increase to current arrangements.

The Scrutiny Management Board would agree the establishment of Panels, and as such will direct the formal establishment to one of the three committees. The relevant committee will establish and set out the name of the Panel, the terms of reference including relevant dates for completion. This gives ownership of the Panel to the relevant Committee.

The report detailed the feedback from members at Appendix C.

This included thoughts on political chairmanship of the Committees which would be a decision for Council.

A learning and development programme will be delivered to all scrutiny members in the new municipal year to ensure that they are supported to have the skills and knowledge for excellent scrutiny.

Some comments were received about the effectiveness of the Executive Advisory Panels which have been subject to a recent review. As these are created at the Leaders discretion, these are not in scope for this review.

The Constitutional Review Working Group considered the frequency of meetings and agreed to include bi-monthly meetings for the Committees and monthly meetings for the Scrutiny Management Board. Whilst the current Scrutiny Commission has struggled with capacity, the Finance and Resources Committee had managed its budget workload through a Task and Finish Group which has worked well. The removal of duplication of performance scrutiny will have an immediate impact on capacity. Consideration of the workplan in meetings, agreement to items for the Workplan and the collation of the Scrutiny Annual Plan which will move the Board will also free up capacity for the Committees. More meetings could be added if the Board felt that this was necessary.

The proposal would mean that there would be 30 meetings per annum in the Calendar of Meetings (excluding Panel work which is extensive), compared to 19 meetings (excluding Panel work) in the current arrangements.

The number of members on each committee was considered by the Constitutional Review Working Group following feedback from the Centre for Governance and Scrutiny. A figure of 9 had been included for all committees (except for Health which has 11 due to the statutory consultees) within the draft Scrutiny Procedure Rules.

The chair invited members to comment on the report and appendices before them.

The following comments were raised:

5.1 and 5.2 - to add the word 'Scrutiny' before function. This was agreed.

9.1 - A query was raised over the appointment of a chair should the existing one resign and whether this should be by the Leader. It was clarified that a replacement chair would be appointed by the committee and that the wording could be amended to read ...'if a vacancy occurs in the position of chair or vice-chair'.....

16.7 - Call-In request form. Members thought this would be added to the procedure rules. This would not be the case. When the decision notice was circulated by the democratic services officer the form would be attached.

16.6 - A request was made for the inclusion of the principles of decision making for clarity. This was agreed.



7 – Co-optees – A query was raised as to whether these would be independent persons. It was clarified that they wouldn't be but could be experts in their field.

11 – A Member welcomed the decision that meetings would be open to the public. The Executive Director clarified that scrutiny meetings had always been open to the public, but the panels would not be.

11.2 - An amendment be added to say that an Extraordinary Meeting be called by the Chair or Vice-Chair of the committee or the monitoring officer. This was agreed.

A query was raised about the scrutiny budget and whether this could be used to aid the panels in their investigations. The Executive Director said this would need to be a decision of the Scrutiny Management Board.

A request for the Executive Protocol was made to be added to the procedure rules. The Executive Director confirmed this would be the subject for discussion at the Scrutiny Management Board and which could be added to the terms of reference.

Concern was expressed about 'heated debate and opposing opinions. It was noted that this would be for the Chair of the meeting to manage under the provisions within the constitution.

The suggested amends would be added to the procedure rules as appropriate and the recommendations were proposed by Councillor A Mercer and seconded by Councillor Nichol and declared carried.

**Resolved to recommend** the following:

- (i) that the Scrutiny structure, detailed at Appendix A, be presented to Council for approval;
- (ii) to note the feedback provided by the Centre for Governance and Scrutiny at Appendix B'
- (iii) to note the feedback provided by Members at Appendix C;
- (iii) the draft Scrutiny Procedure Rules at Appendix D, with the amendments discussed being incorporated therein, be presented to Council for approval.

**58 Close of meeting**

**Resolved** to note that the chair closed the meeting at 10.40pm.

Chair.....

Date .....

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## Democracy and Standards Committee

6<sup>th</sup> June 2023

<b>Report Title</b>	<b>Constitutional Working Group (CWG)</b>
<b>Report Author</b>	<b>Adele Wylie (Executive Director Customer &amp; Governance/Monitoring Officer)</b> <b><u><a href="mailto:Adele.wylie@northnorthants.gov.uk">Adele.wylie@northnorthants.gov.uk</a></u></b>
<b>Executive Member</b>	<b>N/A</b>

<b>Are there public sector equality duty implications?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Does the report contain confidential or exempt information (whether in appendices or not)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972</b>	N/A

### List of Appendices

None

### 1. Purpose of Report

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1.1. For the Committee to confirm membership of the Constitutional Working Group for the Municipal Year 2023/24.

### 2. Executive Summary

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2.1. The Democracy and Standards Committee at its meeting on 15<sup>th</sup> June 2022 approved the terms of reference of the Constitutional Working Group (CWG) and its membership.

2.2. There is a requirement to review the membership of the Group.

### 3. Recommendations

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3.1. That the Committee; -

- (i) Agree membership of the Constitutional Working Group for 2023/24 (4 Conservative councillors, 1 Labour councillor and 1 Green Alliance councillor); and

- (ii) Agree that the Chair of the Democracy and Standards Committee be appointed as Chair of the CWG for 2023/24.

3.2. *(Reason for Recommendations – To ensure representation on the Constitutional Working Group (CWG) is reviewed on an annual basis, recommending cross party participation).*

#### **4. Report Background**

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4.1. There is a requirement to review the membership of the Constitutional Working Group (CWG) on an annual basis. The Chair of the Democracy and Standards Committee usually chairs the CWG. The current membership of the Group consists representatives from all recognised political groups. The cross-party group currently has 4 Conservative, 1 Labour and 1 Green Alliance members.

4.2. Officer representation on the Group consists of the Monitoring Officer and representatives of Democratic Services.

4.3. The three main functions of the Group are: -

- (i) To review areas of the Constitution to ensure that they are fit for purpose and put forward appropriate recommendations for change or amendment;
- (ii) Receive requests from members, officers and committees to consider changes and amendments; and
- (iii) Formulate recommendations for change(s) to the Constitution for consideration by the Democracy and Standards Committee.

4.5 Membership of CWG is drawn from Democracy and Governance Committee.

#### **5. Issues and Choices**

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5.1. There is a requirement for the Committee to consider membership of the CWG on an annual basis, based on a cross-party principle previously agreed.

#### **6. Next Steps**

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6.1. Any changes in CWG membership will take immediate effect.

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

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### **7.1. Resources and Financial**

7.1.1. There are no specific resource or financial implications.

### **7.2. Legal and Governance**

7.2.1. Full Council has responsibility for approving any significant changes to the Constitution. The creation of the CWG allows for informal discussion and debate between the Monitoring Officer, councillors and other officers prior to any specific recommendations for amendment to the Constitution being considered by the Democracy and Standards Committee.

### **7.3. Relevant Policies and Plans**

7.3.1. The Council and the Monitoring Officer has responsibility to review the Constitution to ensure it remains “fit for purpose” and applies all relevant statute and best practise.

### **7.4. Risk**

7.4.1. Failure to keep the Constitution under review may result in unlawful or poor governance of the authority. It is particularly important for this Council, given that it was only created on 1<sup>st</sup> April 2021, that processes and procedures are kept under review and amended and/or refined in light of experience and best practise.

### **7.5. Consultation**

7.5.1. None specific to this report. Membership of the CWG would be a matter for the recognised political groups subject to their allocation.

### **7.6. Consideration by Executive Advisory Panel**

7.6.1. Not specific to this report.

### **7.7. Consideration by Scrutiny**

7.7.1. Not specific to this report.

### **7.8. Equality Implications**

7.8.1. Not specific to this report.

### **7.9. Climate Impact**

7.9.1. The CWG meets using virtual technology thus reducing the need for on-site meetings and not adding to the Council’s carbon footprint. The working group is not covered by the requirement to meet on site.

**7.10. Community Impact**

7.10.1. Not specific to this report.

**7.11. Crime and Disorder Impact**

7.11.1. Not specific to this report.

**8. Background Papers**

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8.1. North Northamptonshire Council's Constitution

8.2. Constitutional Working Group Terms of Reference (approved 15<sup>th</sup> June 2021)

## Democracy and Standards Committee Forward Plan 2023/2024

		Report Title	Report Summary
<b>Tuesday 6<sup>th</sup> June 2023</b>	D&S Committee		
<i>22<sup>nd</sup> June 2023</i>	<i>Full Council</i>		
<i>31<sup>st</sup> July 2023</i>	<i>CWG</i>		
<b>Monday 14<sup>th</sup> August 2023</b>	D&S Committee		
<i>31<sup>st</sup> August 2023</i>	<i>Full Council</i>		
<i>30<sup>th</sup> October 2023</i>	<i>CWG</i>		
<b>Monday 20<sup>th</sup> November 2023</b>	D&S Committee		
<i>7<sup>th</sup> December 2023</i>	<i>Full Council</i>		
<i>15<sup>th</sup> January 2024</i>	<i>CWG</i>		
<b>Monday 5<sup>th</sup> February 2024</b>	D&S Committee		
<i>22<sup>nd</sup> February 2024</i>	<i>Budget Council</i>		
<i>7<sup>th</sup> March 2024</i>	<i>Full Council</i>		
<i>25<sup>th</sup> March 2024</i>	<i>CWG</i>		
<b>Monday 15<sup>th</sup> April 2024</b>	D&S Committee		
<i>16<sup>th</sup> May 2024</i>	<i>Annual Council</i>		

### Suggested Possible Topics for 2023/24

- Outcome of Boundary Review/ Polling Station Review
- Independent Remuneration Panel (IRP) Recruitment & Recommended Appointments
- IRP “light touch review” regarding Annual Increase link only
- Member Complaints 6-month update
- Gifts and Hospitality Annual Update/Register of Interest Update
- Independent Person Recruitment & Recommended Appointments
- Member/Officer Protocol (changes required as a result of a recent audit)
- NNC Elections “Candidate Diversity Strategy” (as agreed by Council 25.02.21)
- Local Democracy Week Programme

### Potential Topics for 2024/25

- Full Review of Members’ Allowance Scheme by IRP
- Review of operation of the Planning Committee’s Scheme of Delegation

- Member Induction for May 2025 (in conjunction with the Member Training & Development Group)





## Democracy and Standards Committee 6<sup>th</sup> June 2023

<b>Report Title</b>	<b>Code of Conduct – National Learning Case Studies</b>
<b>Report Author</b>	<b>Adele Wylie (Executive Director Customer &amp; Governance/Monitoring Officer)</b> <b><u><a href="mailto:Adele.wylie@northnorthants.gov.uk">Adele.wylie@northnorthants.gov.uk</a></u></b>
<b>Executive Member</b>	<b>N/A</b>

<b>Are there public sector equality duty implications?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Does the report contain confidential or exempt information (whether in appendices or not)?</b>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972</b>	N/A

### List of Appendices

None

### 1. Purpose of Report

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1.1. It is the Monitoring Officer's intention to produce occasional papers highlighting case studies on the application of the Code of Conduct or matters relating to councillor behaviour from other local authorities for discussion by the Committee.

### 2. Executive Summary

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2.1. The report contains information relating to two case studies from other local authorities for discussion.

### 3. Recommendations

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3.1. That the Committee: -

- (i) Note the contents of the report; and
- (ii) Agree to receive information on other case studies on an ad hoc basis.

3.2. *(Reason for Recommendations – To assist in keeping members of the Committee abreast with developments in the application of the Code of Conduct by other local authorities).*

## 4. Report Background

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### 4.1 Case Study 1

#### **Teignbridge District Council – Local Government and Social Care Ombudsman**

The background to this complaint is that the Member was part of a local group who had concerns about the Local Plan. They believed it was based on the wrong figures having been put in the Local Plan. Unfortunately, in dealing with this issue, the Councillor decided to use social media to target officers in a derogatory way and also to speak to them in a derogatory way. There were other incidents where there was considered to be potential disrespectful treatment of officers and fellow Councillors.

Officers wrote to the Monitoring Officer expressing concern at the behaviour of the Councillor.

Various correspondence was sent by the Monitoring Officer and an external investigator was appointed. The investigation was concluded and a report presented to the Standards Committee.

Throughout the process the Councillor asked/demanded to see the details of the complaints. The Ombudsman found:

- Fault in that an investigation had been instigated without a complaint in writing. The Localism Act 2011 is clear in that there must be an allegation in writing of a breach of the Code of Conduct. There was none here. The investigation should never have been commenced.
- Fault in that the Councillor had not been given enough details of the allegations that the Councillor had breached the Code of Conduct including the details of the behaviour or comments which were alleged to have breached the Code and by whom the allegations were made.
- Fault in that allegations against the Councillor in question were conflated with those against 2 other Councillors. This, the Ombudsman stated, suggests a lack of objectivity in officers' consideration of the Councillor's actions. This denied the Councillor a fair chance to answer the allegations.
- Fault that the Council kept no records of discussions with the Independent Person.
- Fault with the way the Council introduced new allegations into the investigation but did not make clear exactly which allegations were part of the investigation. The scope of the investigation thus became unclear.
- Fault in that when the Councillor raised issues of process, there was no review in the light of what the Councillor was saying.

- Fault in that the Councillor's rights under Article 10 of the Human Rights legislation were not consciously considered in the investigation report or at the hearing. Article 10 protects freedom of expression. This is a qualified right which means there are circumstances where the freedom can be curtailed so long as that is lawful, necessary and proportionate. Where a politician is involved there is an enhanced right to protection. Nonetheless the politician's rights should be weighed against the individual's rights – in this case of a nonelected official not to be criticised in public. In this particular case, the Council did not actively consider this matter and should have.
- That the Ombudsman would not look into the appointment of an investigator as they had no reason to criticise the appointment. The investigator worked for a consultancy specialising in such investigations and clearly had experience.

The Council was told to apologise to the Councillor and to rescind its decision and remove the decision from the website.

## **4.2 Case Study 2**

### **Public Interest Report of Grant Thornton into Cheshire East Council**

This concerned the impact of the Council's culture and governance arrangements during 2014 -2018. This includes the culture, behaviours and underlying governance weaknesses during this time.

This is a lengthy report giving a lot of detail. The main points are:

- Bullying and harassment by the then Leader to get his own way.
- The Leader influencing officers on decisions designed for the advantage of his preferred company even if this meant by passing or overriding the Council's established controls.
- Ineffectiveness of the Chief Executive Officer and Chief Operating Officer and Section 151 Officer who failed to stand up to the Leader and in the latter's case inappropriately acting on the former Leader's wishes or apparent wishes in relation to that company.
- The perception that the standards regime including the Code of Conduct, Protocol on Member/Officer relations, complaints system under the Localism Act 2011, the lack of an overseeing body such as the Standards Board for England and the lack of sanction were or would be ineffective against an individual in the former Leader's position of power. This was perceived as a major concern.
- The report arose out of a failed procurement exercise for a pilot of physical exercise services for children contract. The physio company in the running was owned by a friend of the Leader's but no disclosures were made by the Leader in this respect. The report says that the Leader's preference for his friend's company was shown in the nature of the Leader's communications with the Director of the company and by him disclosing a confidential Council report to the friend.
- During the period from 2009 to 2017 there were 6 Monitoring Officers. Grant Thornton stated in the report that this high turnover rate would have weakened

the Council during a period when it was most in need of robust legal advice and challenge.

- The report makes no recommendations for the current Council.
- Grant Thornton wrote that they hoped their report would “encourage the ongoing debate around the effectiveness of the standards regime for local government and support mechanisms for both officers and members facing the same intractable difficulties.”

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

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5.1. No implications associated with this report.

## **6. Background Papers**

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6.1. None.