

Minutes of the Democracy and Standards Committee

held at 7.00 pm on Monday 9th January, 2023 at the Corby Cube, Parklands Gateway, George Street, Corby, NN17 1QG

Present:

Members:

Councillor Lora Lawman (Chair)

Councillor Jean Addison

Councillor Lyn Buckingham

Councillor Robin Carter

Councillor Emily Fedorowycz

Councillor Macaulay Nichol (Vice-Chair)

Councillor Paul Marks

Councillor Andy Mercer

Councillor Gill Mercer

Councillor Kevin Watt

Officers:

Mrs A Wylie, Director of Governance/Human Resources & Monitoring Officer,

Mr P Goult, Interim Democratic Services Manager,

Mr B Smith, Democratic & Electoral Services Manager,

The Chair welcomed everyone to the meeting and wished all present a Happy New Year. She also referenced the recent death of Councillor David Jenney and asked members to stand for a two-minute silence in his memory.

47 Apologies for absence

Resolved to note that apologies were received for absence from Councillors Maxwell and Tye.

48 Members' Declarations of Interest

The chair invited those Members who wished to do so, to make a declaration.

Resolved to note that no declarations were made.

49 Minutes of the meeting held on 7 November 2022

The minutes of the meeting held on 7 November 2022 were received. Reference was made to minute 45, third paragraph last sentence with the word 'import' being amended to read 'important'. With this change the minutes were approved.

Resolved that:-

the minutes (as amended) were approved and signed as an accurate record of the meeting.

50 Meeting Procedure Rules

The report and accompanying appendices of the Executive Director of Customer and Governance (Monitoring Officer) was received for the committee to consider.

The committee was asked to consider revisions to the current Meeting Procedure Rules for recommendation to Full Council.

Appended to the report were the following:

Appendix A Copy of the revised draft Meeting Procedure Rules
Appendix B Budget Council Procedure Rules.

Mr Goult, Interim Democratic Services Manager, presented the report to committee and explained that the Constitution Working Group had considered the further amendments to the meeting procedure rules in detail and it was therefore proposed that these be submitted to full Council for approval and incorporation in the Council's Constitution.

The committee discussed the proposals before it.

Councillor Andy Mercer referred to page 32 19.32 (ii) and asked for clarity as to whether a mover of an amendment had the right of reply. Mr Goult confirmed that for clarity, he could amend this to include that the mover of an amendment had a right of reply.

Councillor Andy Mercer then referred to page 39, 38.1 and suggested that the wording on the third line be amended to read '.... for publication" unless or *until* it is in the public domain.....' This would, for example, be if a court order had been made to put a previously confidential item in the public domain.

Mr Goult confirmed that this had been discussed by the Constitution Working Group. Ms Wylie, as Monitoring Officer, clarified that she had a duty to review any such confidential item and would issue an instruction that it be made public, as appropriate. Mr Smith also referenced the process that would be in place to update Mod.Gov and release the confidential information, on the approval of the monitoring officer. For clarity Mr Goult confirmed that he would add a sentence to this rule and circulate outside of the meeting for member approval.

Mr Goult also referenced Appendix B and the updated Budget Council Meeting Procedure Rules which had also been discussed by the Constitution Working Group and referenced a subsequent addition of Rule 10 that he had made since the meeting.

Councillor Emily Fedorowycz thanked Mr Goult for the work on the procedure rules which she considered captured the discussions held.

Councillor Lyn Buckingham asked for clarity on the addition of rule 10.

Mr Goult explained that he had reflected on the rules and considered that rule 10 would enable a mover and seconder of a substantive motion to incorporate an amendment for inclusion in the substantive motion, should they so wish.

The chair put the recommendation to the committee.

Resolved that:-

the following be submitted to Full Council for approval subject to the amendments to be circulated:

- (i) the revised Meeting Procedure Rules (as detailed at Appendix A);
- (ii) The revised Budget Council Procedure Rules (as detailed as Appendix B).

51 Councillors' Code of Conduct Statistics

The circulated report of the Executive Director of Customer and Governance (Monitoring Officer), as Monitoring Officer, was received to provide the committee with an update on the current position regarding the number and status of Councillor Code of Conduct complaints received and dealt with, and those that remained outstanding, along with the resolutions achieved.

Mr Smith, Democratic and Electoral Services Manager, presented the report to committee and explained that the committee was responsible for overseeing and developing the council's code of conduct and the overall standards of conduct for council members, co-opted members and parish and town councillors of North Northamptonshire. This report related to the period from 1 April 2021.

He referred to the Constitution, which set out the arrangements for dealing with member complaints, including the initial process conducted by the monitoring officer, who firstly must apply a 'public interest' test about whether the complaint could and should be investigated using the following criteria:

- (i) Is the person you are complaining about a Councillor?
- (ii) Is the conduct complained about within the jurisdiction of the Code of Conduct?
- (iii) Did the conduct occur within the last six months?
- (iv) Is the conduct something that is covered by the Code?
- (v) Is there evidence which supports the complaint?
- (vi) Is the conduct something which is possible to investigate?
- (vii) Would an investigation be proportionate and in the public interest?

The report further detailed the process that the monitoring officer would undertake, in consultation with one of the Independent Persons for Standards, as to whether the complaint should be referred for investigation or whether an alternative solution could be considered.

Table 1 of the report detailed the nature of each complaint, including the date of receipt, the 'type' of council it referred to, the monitoring officer's assessment and the current status.

Mr Smith also proposed that a six-monthly update report be presented to the committee with the Independent Persons being invited to attend such meeting.

The committee asked if there were certain 'trends' in complaints or whether complaints emanated about the same councillors, parish councils or town councils and whether potentially additional training was required on the code of conduct.

The Monitoring Officer confirmed that there was nothing obvious and that many of the complaints were similar to those she had experienced in previous authorities. Generally, the initial assessment would help to define if the complaints were serious and needed further investigation and would be assessed by her along with the Independent Persons.

The chair asked if there were plans for a refresher briefing on the Code of Conduct. The Monitoring Officer confirmed that there would be a refresher for all councillors which would include some training on the conflicts that 'dual hatters' often experienced.

Councillor Buckingham noted that one of the investigations, dated February 2022 was still under investigation and asked why this hadn't been concluded.

The Monitoring Officer explained that it had taken some time for the process to be established but complaints were now being dealt with efficiently and expediently, and thanked her colleagues Sanjit Sull, Deputy Monitoring Officer and Mr Smith for their support and progress with this. She acknowledged that there had been a delay with some complaints but these were being worked through and some were more complex than others and took more time to deal with, the one referred to would be concluded soon.

The chair asked if appropriate training would be given to anyone from the committee sitting on a Standards hearing. The Monitoring Officer confirmed that rather than training being given in advance, this would be carried out nearer any hearing date.

Members asked if there was an appeal process in place. Mr Smith clarified that there was no appeal mechanism in terms of the decision made. If a complainant was unhappy with regards to the process undertaken, they would be directed to the Local Government Ombudsman.

Committee members asked if they could find out more detail of the type of complaints raised in future. Mr Smith clarified that this could be added to the table and that whilst full details would not be given, due to confidentiality, a summary of the type of each complaint made would be included.

A request for an update on the recruitment of Independent Persons and parish representatives was made. Mr Smith confirmed that he had been in consultation with Human Resources, adverts for the vacancies had been written and these would shortly be launched. It was also confirmed that the Independent Persons would receive an allowance and could claim for travel and subsistence for attending meetings, in accordance with the Scheme of Members' Allowances.

It was also noted that, throughout the year, the Monitoring Officer would deal with many enquiries from councillors, clerks and members of the public which would be discussed informally and resolved with no need to progress further.

Resolved that:-

- (i) The number of complaints received and dealt with be noted;
- (ii) It be noted that an update be presented to committee on the number of complaints received and dealt with in respect of Code of Conduct complaints on a six-monthly basis;
- (iii) The Independent Persons for Standards, along with the Town and Parish Representatives, (once appointed), be invited to attend future committee meetings, as necessary, to discuss those items of business relating to the Councillors' Code of Conduct.

52 Close of meeting

Resolved to note that the meeting concluded at 7.40pm.

Chair.....

Date.....