

Standards Committee

Agenda

Date

Wednesday 3 April 2019

Members of the Standards Committee

Elected Members

Mr R J Knowles
(Chairman)

Mr K G Leggett MBE
(Vice Chairman)

Mr R F Grady
Mr F O'Neill
Mr D Roper

Co-opted Parish and Town Council Members

Mr N Brennan
Ms R Goodall
Mr V J Pennells
Mrs M Temple

Time

11am

Place

Trafford Room
Thorpe Lodge
1 Yarmouth Road
Thorpe St Andrew
Norwich

Contact

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@BDCDemServices



If any member wishes to clarify details relating to any matter on the agenda they are requested to contact the Head of Democratic Services & Monitoring Officer

The Openness of Local Government Bodies Regulations 2014

Under the above Regulations, any person may take photographs, film and audio-record the proceedings and report on all public meetings. If you do not wish to be filmed / recorded, please notify an officer prior to the start of the meeting. The Council has a protocol, a copy of which will be displayed outside of each meeting room and is available on request.

**The Chairman will ask if anyone wishes to
film / record this meeting**

A G E N D A

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|----------|---|--|
| 1 | To receive declarations of interest under Procedural Rule no 8 | |
| 2 | Apologies for absence | |
| 3 | <u>Minutes of meeting held on 6 November 2017</u> | 3 - 6 |
| 4 | Matters arising therefrom (if any) | |
| 5 | <u>Monitoring Officer's Report – November 2017 to April 2019</u> | 7 – 13 & 14 – 15 (exempt) |

Please Note: In the event that the Committee has not completed its business by 1.00 pm, at the discretion of the Chairman the meeting will adjourn for 30 minutes.

Trevor Holden
Managing Director

Minutes of a meeting of the **Standards Committee** held at Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich on **Monday 6 November 2017** at **10am** when there were present:

Mr R J Knowles – Chairman

Elected Members

Mr K G Leggett MBE
Mr F O'Neill
Mr D Roper

Co-opted Parish and Town Council Members

Mr V J Pennells
Mrs M Temple

Mr B S Kular also attended the meeting (until 10:50am).

Also in attendance were the Head of Democratic Services & Monitoring Officer, Head of Planning (for Minute nos: 1–3), Electoral Services Manager & Deputy Monitoring Officer and the Senior Committee Officer.

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr Grady and Mr Sadler (one of the co-opted Parish and Town Council representatives).

2 MINUTES

The Minutes of the meeting held on 4 December 2015 were confirmed as a correct record and signed by the Chairman.

3 CODE OF PRACTICE FOR PLANNING MATTERS

The Committee considered a report by the Head of Democratic Services & Monitoring Officer proposing amendments to the Code of Practice for Planning Matters. It was noted that the Constitution required the Standards Committee to review the Code annually and, although the last review had been in 2013, this had not been considered necessary as very little had changed. The Head of Democratic Services & Monitoring Officer had met with the Head of Planning and the Senior Committee Officer to undertake a preliminary review of the Code, taking into account operational issues which may have arisen since the last review, together with a request by Mr O'Neill to include provision for Members to have the ability to “call in” enforcement matters for determination by the Planning Committee, in the event that officers were minded to take no further action.

The Committee had before it a copy of the Code identifying a number of proposed changes, the majority of which related to updating the wording to reflect current practice. It was noted that the revised Code would also be considered by the Planning Committee at its meeting on 29 November for referral to Council for adoption.

The Head of Democratic Services & Monitoring Officer drew Members' attention to the key amendments and the reason for the change.

In addition, the Committee's attention was drawn to the email from Mr O'Neill providing his comments on the proposed changes, together with a flow chart and supporting information produced by the Head of Planning on a proposed enforcement call in procedure, all as circulated at the meeting.

Members were in agreement with the majority of the proposed changes as proposed by the officers but wished to retain / amend the wording as detailed below.

Section 8 – Members' power of call in

Members expressed concern on the amendments to paragraph 8.2 relating to the reasons to be provided by Members' when exercising their right of call in for planning applications. The suggestion was to require Members to provide planning reasons / grounds and the Head of Planning explained to the Committee the rationale for this. In particular, the costs associated with determining a planning application could increase ten-fold if it had to be reported to the Planning Committee. Furthermore, the Government was keen to ensure the planning process was as efficient as possible and any delays in determination were kept to a minimum. In response to concerns, he emphasised that the purpose was not to limit democracy or Member involvement. Discussion then ensued on the time period for the call in procedure and the ability of parish / town councils to meet the consultation response deadlines in time to allow a Ward Members to call in an application within the 21 day period. The Head of Planning advised that the 21 day period was key in determining applications in an efficient and timely manner and would wish to see it retained. Whilst acknowledging the concerns of objectors, these had to be balanced against the needs of the applicant in getting an expedient decision.

Suggested alternative wording was discussed and the following was agreed:

"In the event that the deadline for town / parish council representatives is extended by agreement with the case officer, the deadline for Members' call in shall be extended to one working day beyond that granted to the town / parish council."

It was subsequently agreed to amend the wording in paragraph 8.2 by deleting “planning reason” and replace with “justification” so it would read:

“... clearly stating the justification why they wish the application to be called in ...”

In addition, the penultimate sentence would read:

“... in each case to justify the reasons to support the call in.”

Furthermore, it was agreed that the Code should make reference to the fact that Members would be advised in writing (ie email) if their request was refused by the Head of Planning and therefore, an additional sentence should be added as follows:

“In the event that a call in is refused, the Member is advised in writing.”

Section 9 (new) – Enforcement matters – Members’ power of call in

The Committee was content with the wording suggested by officers and the principle outlined in the flowchart. However, it was agreed that steps 1 and 3 should be amended so that parish / town councils were advised as well as the Ward Member. It was noted that the flow chart would form part of the Planning Code of Practice (as an appendix).

Section 16 – Complaints and record keeping

It was suggested that the wording should be amended to make it explicit who would investigate the complaint. However, the Head of Planning advised the Committee that this varied depending on the nature of the complaint etc. Consequently it was agreed to amend as follows:

“The complaint will be investigated by the relevant officer and ...”

Furthermore, whilst it was acknowledged that complainants were advised of their right to submit their complaint to the Ombudsman in the response letter from the district council, it was agreed that the reference to this right should be retained in the Code of Practice.

Section 17 – Review procedure

It was agreed that the word “approximately” should be deleted and that a review every two years would be sufficient.

Having considered the proposed amendments in detail as outlined above, it was

RECOMMENDED TO COUNCIL:

to approve the Code of Practice for Planning Matters as attached at Appendix 1 to these Minutes (which incorporated the amendments agreed above).

4 MONITORING OFFICER'S REPORT 2015-17

The Head of Democratic Services & Monitoring Officer presented the Monitoring Officer's report for 2015-17, which formed part of the Council's governance arrangements and system of internal control.

The Committee expressed its appreciation to the Monitoring Officer for the positive report and he responded by acknowledging the help and support he received from the two Group Leaders when dealing with issues involving Members. In addition, the parish / town council representatives referred to the support and assistance provided by the Council's Monitoring Officer in helping with parish / town council issues and this was greatly appreciated by them. In response, the Monitoring Officer said the district council prided itself on the good relationship it had with its parish / town councils and this embraced all service areas across the council.

5 OBSERVATIONS AT COMMITTEE MEETINGS

No issues were raised by the parish / town council representatives present.

6 FUTURE WORK PROGRAMME

No issues were raised for consideration at future meetings of the Committee.

The meeting closed at 11:20am

Agenda Item: 5

**Standards Committee
3 April 2019**

**MONITORING OFFICER'S REPORT – (November) 2017 to
(April) 2019**

| | |
|-------------------------------|---|
| Report Author(s): | Martin Thrower, Head of Democratic Services & Monitoring officer 01603 430546 martin.thrower@broadland.gov.uk |
| Portfolio Holder: | Policy |
| Ward(s) Affected: | All |
| Purpose of the Report: | This report supports assurance statements included in the draft Annual Governance Statement. It provides a review of the Monitoring Officer's work as part of the Council's governance arrangements and system of internal control. |

Recommendations:

The Committee is asked to note this report which sets out work of the Monitoring Officer during 2017/19.

1 SUMMARY

- 1.1 The Head of Democratic Services is also the Council's statutory Monitoring Officer.
- 1.2 This report supports assurance statements included in the draft Annual Governance Statement. It provides a review of the Monitoring Officer's work as part of the Council's governance arrangements and system of internal control.
- 1.3 The chief responsibilities of the Monitoring Officer, contained in the Monitoring Officer Protocol at Part 5 and Article 12.3 to the Constitution, can be summarised as follows:
 - (a) a duty to report to the Council in any case where the Monitoring Officer is of the opinion that any proposal or decision is or is likely to be illegal or to constitute maladministration. These matters are referred to as "reportable incidents";
 - (b) a range of functions relating to Member conduct; and
 - (c) specific functions under the Council's Constitution.
- 1.4 The ability of the Monitoring Officer to undertake this role effectively depends on excellent working relations with colleagues and Members and on the flow of information and access to debate particularly at early stages. The scope of the work also extends to good working relationships with Broadland's parish and town councils and in particular their clerks.

2 BACKGROUND

- 2.1 The Constitution requires the Monitoring Officer to present an annual report on activities undertaken. This report covers a slightly extended period aimed at covering off the time leading up to the introduction of the new senior management structure as part of the collaboration work with South Norfolk Council.
- 2.2 Corporate Governance is the system by which local authorities direct and control their functions and relate to their communities. It is founded on the fundamental principles of openness, integrity and accountability together with the overarching concept of leadership. In this respect, Broadland Council recognises the need for sound corporate governance arrangements and over the years has put in place policies, systems and procedures designed to achieve this. The Council adopted a Code of Corporate Governance based on the CIPFA model which is reviewed annually by the Head of Finance and Revenues as a means of drawing together all the positive elements of corporate governance which it already has in place. The Code is updated

annually and presented to the Audit Committee for approval.

- 2.3 The Monitoring Officer is appointed under Section 5 of the Local Government and Housing Act 1989 and has a number of statutory functions in addition to those more recently conferred under the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007 and subsequent regulations governing local investigations into Member conduct. The Localism Act came into force in 2011, with subsequent implementing regulations coming into force during 2012/13 and included a number of changes to rules relating to the standards regime including the establishment of Standards Committees, the assessment of complaints and the abolition of Standards for England.

3 MONITORING OFFICER REPORT 2017-19

- 3.1 My report sets out the internal governance work carried out during 2017/19 and provides assurance that the organisation's control environment, in the areas which are the responsibility of the Monitoring Officer, is adequate and effective. This annual report supports the assurance statements included in the draft Annual Governance Statement for 2017/18 and 2018/19, previously presented to the Audit Committee. To summarise I am pleased to report that:
- there have been no 'reportable incidents' during the period 2017 - 19;
 - the systems of internal control administered by the Monitoring Officer were adequate and effective during 2017/19 for the purposes of the latest regulations;
 - the range of action taken to address complaints received about Member conduct at parish / town council and district council level have been dealt with in a timely and proportionate manner with satisfactory outcomes achieved and
 - the Council continues to provide support and guidance to a small number of parish councils who have encountered difficulties during the period to which this report relates. Whilst the Council is not legally required to provide such support it is considered extremely important in continuing to foster good relations with Broadland's parish and town councils.

4 KEY MESSAGES

- 4.1 The key messages to note from the year are detailed below.
- 4.2 There have been no 'reportable incidents' during the period 2017/19.
- 4.3 The systems of internal control administered by the Monitoring Officer including compliance with the Code of Corporate Governance and the

Council's Constitution were adequate and effective during 2017/19 for the purposes of the latest regulations.

- 4.4 The Council has arrangements in place to ensure compliance with relevant laws and regulations, internal policies and procedures and that expenditure is lawful.
- 4.5 The Council publishes on its website a summary of Members' declared interests, all the authority's expenditure over £250 and the expenses of Chief Officers.
- 4.6 The Council is proactive in raising the standards of ethical conduct among Members and staff, including the provision of ethics training and has put in place arrangements for monitoring compliance with standards of conduct across the Council including:
- Standards of conduct and behaviour for officers
 - Code of Conduct for Members elected by by-election since the scheduled elections in 2015
 - Register of Disclosable Pecuniary Interests
 - Registers of gifts and hospitality for officers and Members
 - Complaints procedure in relation to elected Members
 - Members were regularly reminded through the Members' Bulletin of the need to ensure they kept their Register of Interests up to date
- 4.7 The Council can demonstrate that generally Members and staff exhibit high standards of personal conduct. During the period covered by the report the number of standards complaints was relatively low and no hearings of the Standards Committee were required. Any complaints received were dealt with by me in accordance with the authority delegated to me to deal with such matters. In the case of matters relating to Broadland Members, I would like to place on record my appreciation for the support given to me by the respective Groups Leaders in dealing with some of these cases when their assistance has been sought.
- 4.8 A schedule of formal complaints into Member Conduct during 2017/19 is attached at (exempt) appendix 1 to this report.
- 4.9 Records show that the main area of involvement relates to dealing with parish and town council related issues. At the present time I am able to ensure suitable resources are provided to address parish/town council issues in an

attempt to ensure the good conduct of local government across Broadland. I would like to also place on record my appreciation of the support given by colleagues in the Corporate Resources Team who have provided advice to a number of parish and town councils on HR issues.

- 4.10 Members and staff are aware of the need to make appropriate disclosures of gifts, hospitality and pecuniary interests. There is evidence that Members and staff are making appropriate disclosures in the registers and that they are regularly reviewed.
- 4.11 The Audit Committee receives an annual update on the Council's counter fraud and corruption policy applying to all aspects of the Council's business. This policy has been communicated throughout the Council. There are effective arrangements for receiving and acting upon fraud and corruption concerns and disclosures from members of the public.
- 4.12 The Council has arrangements in place to receive and investigate allegations of breaches of proper standards of financial conduct and fraud and corruption. The Council has been proactive in appointing a Corporate Fraud Officer who is available to assist me in my investigations if required.
- 4.13 There is a whistleblowing policy which is publicised and demonstrates the Council's commitment to providing support to whistleblowers and has been communicated to staff and those parties contracting with the Council. The Council can demonstrate its staff, and staff within contracting organisations, have confidence in the whistleblowing arrangements and feel safe to make a disclosure.
- 4.14 Money laundering requirements as stipulated in the Money Laundering Regulations 2007 and the Proceeds of Crime Act 2002 have been fully met.

5 RESULTS OF THE MONITORING OFFICER'S WORK IN 2017-19

- 5.1 I have set out below some of the actions I have undertaken to ensure that my responsibilities are carried out effectively.
 - Attended monthly meetings of the Statutory Officer's Group in order to review current and likely future issues with legal, constitutional or ethical implications.
 - Undertaken periodic reviews of the Constitution to ensure the Constitution is current and up to date, including implementing updates to reflect decisions made by Council, Cabinet or portfolio holders
 - Ensured that the Council is kept up to date on new legislation and changes in the law which are relevant to the carrying out of the Council's activities. Weekly legal updates are circulated to all Heads of

Service

- All committee reports to the service committees are as a matter of routine cleared with the Monitoring Officer prior to publication.
- Ensured that all decisions made by the Executive (including decisions made by portfolio holders and Heads of Service) and the relevant reports are made publically available in a timely manner.
- Attended induction meetings with new parish clerks to provide an overview of the Members' Code of Conduct.

6 PROPOSED ACTION

- 6.1 The Committee is asked to note the report.

7 ISSUES AND RISKS

- 7.1 **Resource implications** – There are no resource implications arising from this report at this stage. I shall continue to monitor the amount of resource being given to support parish and town councils.
- 7.2 As part of the Council's long-standing commitment in supporting parish and town councils, a considerable amount of time has been given to parish and town councils in providing procedural and recruitment advice. Whether there is now a need to regularise the way in which this is provided will be covered in next year's report drawing on our experiences in 2017/18 and the demands from parish and town councils.
- 7.3 **Legal implications** – There are no legal implications arising from this report other than those set out.
- 7.4 **Equality implications** – There are no equality implications arising from this report other than those set out.
- 7.5 **Environmental impact** – There are no environmental impacts arising from this report.
- 7.6 **Crime and disorder** – There are no crime and disorder impacts arising from this report.

8 RECOMMENDATIONS

- 8.1 The Committee is asked to note this report which sets out work of the Monitoring Officer during 2017/19.

Background Papers

None