

Standards Committee

Agenda 21 June 2024

12:30pm or on the rising of Planning Committee, whichever is the later

King's Centre, 63-75 King Street, Norwich, NR1 1PH

John Packman, Chief Executive – Friday, 14 June 2024

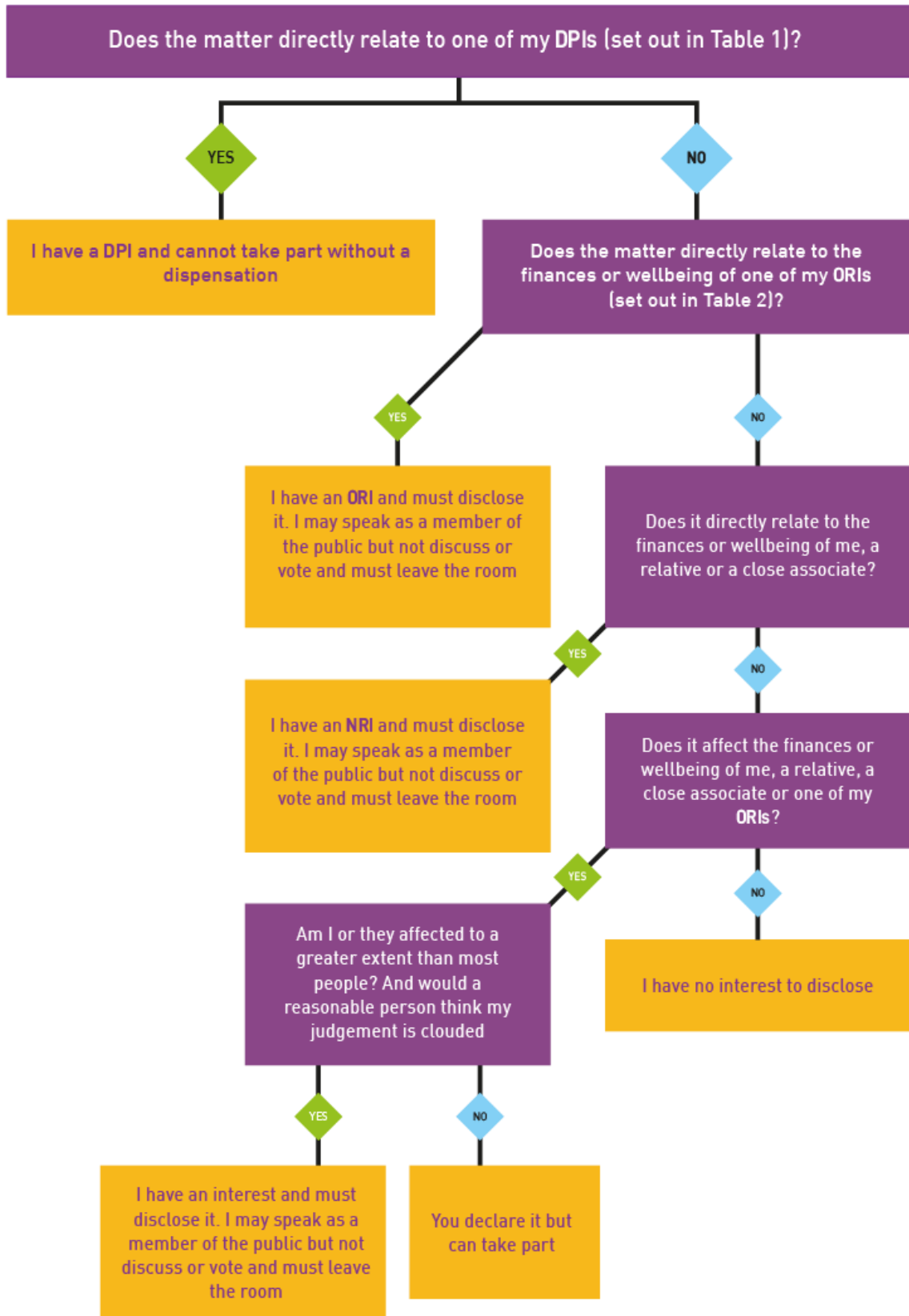
Under the Openness of Local Government Bodies Regulations (2014), filming, photographing and making an audio recording of public meetings is permitted. These activities however, must not disrupt the meeting. Further details can be found on the [Filming, photography and recording of public meetings](#) page.

Introduction

1. To receive apologies for absence
2. To receive declarations of interest (see Appendix 1 to the Agenda for guidance on your participation having declared an interest in the relevant agenda item)
3. To note whether any items have been proposed as matters of urgent business
4. **To receive and confirm the minutes of the Standards Committee meeting held on 7 March 2024** (Pages 3 - 8)
5. **Appointment of Independent Persons** (Pages 9 - 10)
Report by Senior Governance Officer
6. Other items of business
Items of business which the chairman decides should be considered as a matter of urgency pursuant to section 100B (4)(b) of the Local Government Act 1972
7. To note the date of the next meeting – **to be confirmed**

For further information about this meeting please contact the [Governance team](#)

Appendix 1 – Extract from the Local Government Association Model Councillor Code of Conduct



Standards Committee

Minutes of the meeting held on 07 March 2024

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Please note these are draft minutes and will not be confirmed until the next meeting.

Present

Kevin Maguire – in the Chair (from item 2 on the agenda), Harry Blathwayt, Stephen Bolt, Peter Dixon, Paul Hayden, Tim Jickells, Michael Scott.

In attendance

John Packman – Chief Executive, Estelle Culligan –Deputy Monitoring Officer via Teams, Emma Krelle – Director of Finance, Lorraine Taylor – Governance Officer, and Sara Utting – Senior Governance Officer.

Welcome

The Chief Executive (CE) welcomed everyone to the meeting.

Openness of Local Government Bodies Regulations 2014

The CE explained that the meeting was being audio-recorded. All recordings remained the copyright of the Broads Authority and anyone wishing to receive a copy should contact the Governance Team. The minutes remained the record of the meeting. He added that the law permitted any person to film, record, photograph or use social media in order to report on the proceedings of public meetings of the Authority. This did not extend to live verbal commentary. The CE needed to be informed if anyone intended to photograph, record or film so that any person under the age of 18 or members of the public not wishing to be filmed or photographed could be accommodated.

1. Appointment of Chair

Kevin Maguire was proposed by Stephen Bolt and seconded by Harry Blathwayt.

There being no other nominations Kevin Maguire was appointed Chair of the Standards Committee for the forthcoming year.

Kevin Maguire took the Chair.

2. Appointment of Vice-Chair

Stephen Bolt was proposed by Kevin Maguire and seconded by Michael Scott.

There being no other nominations Stephen Bolt was appointed Vice-Chair of the Standards Committee for the forthcoming year.

3. Chair's Announcements

The Chair welcomed everyone to the inaugural meeting of the Standards Committee.

4. Apologies

There were no apologies.

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5. Declarations of interest

Members indicated they had no further declarations of interest other than those already registered.

6. Items of urgent business

There were no items of urgent business.

7. The Role of the Standards Committee

Members received the report from the Deputy Monitoring Officer (DMO). The DMO provided an introduction on the reasons why the Standards Committee had been introduced. Under the Localism Act 2011, all local authorities had a duty to uphold high standards of conduct and probity, adopt a Code of Conduct for Members, and have in place arrangements for dealing with and investigating complaints made under the Code.

The DMO added that the responsibility for standards sat with the Broads Authority as a whole, and until the formation of the Standards Committee, any decisions on a complaint, investigation, or reporting back was dealt with by the Broads Authority Members.

The DMO reminded Members of the complex complaint raised in 2021/22 concerning two planning issues. Although not a complaint under the Code of Conduct, it caused issues for Members and officers. Following this, an independent report was commissioned and one of the recommendations was to set up the Standards Committee.

At present, the Standards Committee had one fixed meeting per year and additional meetings called as and when required. The DMO recommended that members of the committee reacquainted themselves with the Terms of Reference of the committee as a reminder of their important role in dealing with standards, probity and governance in general.

The DMO highlighted that in the event of a complaint under the Code of Conduct, the Monitoring Officer (MO), the DMO, or Senior Governance Officer (SGO) would do most of the preparatory work and that many complaints could be dealt with informally or resolved by the MO who had delegated authority in this regard. However, in the case of more formal action, an investigation into the complaint would be conducted and could lead to a hearing before a sub-committee made up of Members from the Standards Committee.

A Member asked for clarification on whether the Standards Committee would be required to deal with both internal and external complaints. The DMO replied that it would be both as it would be any complaint directed against a Member.

A Member asked for clarification on the delegated authority of the MO and whether that was a decision for this meeting. The DMO replied that the role of the MO was a statutory role and was covered by legislation. It was normal for an authority to give delegated authority to the MO to manage complaints. If a complaint led to an investigation, then the Standards Committee would become involved and the provision in the Terms of Reference was for the MO to bring more serious complaints to the Standards Committee. The Chief Executive (CE)

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added that at the Broads Authority meeting on 22 September 2023, it was agreed unanimously to give the MO delegated authority.

The Chair commented that another duty of the Standards Committee was to receive an annual report on any complaints received but added that this should observe confidentiality. A Member asked whether, when any complaint was received, the Chair should be notified. The DMO said that the MO would flag items of concern to the Chair if required, however, the Independent Persons would be the 'voice of reason' in all things Code of Conduct-related. In item 2.3 of the Terms of Reference, if there were informal outcomes of any complaints, the MO would report back to the Standards Committee and show how the complaint was resolved. It was agreed that the MO/DMO would email the Chair of the Standards Committee when a complaint is received.

A Member asked whether the remit of the Standards Committee also covered co-opted Members. The DMO confirmed that this was the case.

The report was noted.

8. Recruitment of Independent Persons

The Members received the report from the Senior Governance Officer (SGO). The SGO said that the term of office of the current Independent Persons expired in July 2024 and therefore it was necessary to start the recruitment process.

A Member asked whether it was possible to only have one Independent Person. The SGO replied that currently the Authority had two Independent Persons and that this was because there was the potential for one to be conflicted or unavailable during an investigation.

The SGO said that the Authority was looking for three Members of the Standards Committee to be part of the recruitment panel, and that interviews had been pencilled in for week commencing 8 April 2024 and that these could be carried out remotely or in-person.

A Member asked whether a retainer would be paid to the Independent Persons. The SGO replied no, and that the payment would be £20 per hour.

A Member asked when the last time an Independent Person was used. The Chief Executive replied that this was during the recruitment of co-opted Members in 2023. The Deputy Monitoring Officer (DMO) added that the role of an Independent Person was important, especially if things were to go wrong and that the Localism Act 2011 stated that the subject Member had the right to consult with the Independent Person. In addition, the Monitoring Officer must consult with the Independent Person in the case of a breach of Code of Conduct.

A Member asked who could speak to an Independent Person. The SGO replied that anyone could and on request would share their contact details.

Proposed Stephen Bolt and seconded by Harry Blathwayt.

It was resolved unanimously to:

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- i. **approve the recruitment paperwork and note the timescale for recruitment, and**
- ii. **to appoint a panel of 3 Members for the interview panel for the appointment of an Independent Person(s).**

Kevin Maguire, Stephen Bolt and Tim Jickells all expressed an interest in being part of the interview panel for the appointment of the Independent Persons. The SGO confirmed that the Governance team would be in touch post-meeting to find a suitable date for the interviews to take place.

9. Members' Register of Interests

Members received the report from the Deputy Monitoring Officer (DMO). The DMO reminded Members about the requirements of registering Members' interests. Often complaints that authorities had to deal with surrounded the issue of Members' interests and whether an interest had been declared correctly, especially in relation to Disclosable Pecuniary Interests (DPIs) where failure to update the Register with DPIs was potentially a criminal offence as set out in the Localism Act. If a Member had a DPI and a relevant matter was being discussed at a meeting, the DPI must be declared and that Member must leave the room for that item.

One of the roles of the Standards Committee was to periodically review the Register of Members' Interests. The DMO said that the rules surrounding interests and declarations were complicated and there were a number of nuances involved, therefore, if any Member believes that they had an interest that needed to be declared, then they speak to the Senior Governance Officer (SGO), the DMO or Monitoring Officer in advance of the meeting so that advice can be given on whether that Member needed to declare, or not.

A Member asked for clarification on non-pecuniary interests and whether Members needed to list being a member of an organisation such as the RSPB. The DMO said that membership of a public body or charitable organisation should be registered under 'Other Registerable Interests'. The DMO said that the Model Code of Conduct, published by the Local Government Association in 2020, provided guidance on interests.

A Member asked whether Members of the Standards Committee could be provided with a briefing or guidance on registerable interests. The DMO and SGO agreed that this was something that could be provided.

The report was noted.

10. Other items of business

There were no other items of business.

The meeting ended at 10.55am.

Signed by

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Chairman

DRAFT

Standards Committee

21 June 2024

Agenda item number 5

Appointment of Independent Persons

Report by Senior Governance Officer

Purpose

The Standards Committee has responsibility for the recruitment of the Authority's Independent Persons, required under [Section 28\(7\)](#) of the Localism Act 2011. The term of office for the current Independent Persons expires on 26 July 2024 and new appointments are required.

Recommendation

To recommend that the Broads Authority appoints Charles Monteith as the Authority's Independent Person wef 26 July 2024.

1. Introduction

- 1.1. As Members will be aware, the Committee met on [7 March 2024](#) to approve the recruitment paperwork; note the timescale for recruitment and appoint a panel of 3 Members for the interview panel for the appointment of an Independent Person(s).
- 1.2. However, as reported to the Broads Authority on [10 May 2024](#), the recruitment failed to attract any applicants. Therefore, as suggested, contact was made with two neighbouring local authorities to establish if their Independent Person would be interested in also taking on the role of Independent Person for the Broads Authority. It is common practice for Independent Persons to act for more than one authority.

2. Update

- 2.1. North Norfolk District Council confirmed that both of its Independent Persons had expressed interest and so contact was made and copies of their CV were requested. To date, one has been received and this has been circulated to Members and the Deputy Monitoring Officer in advance of this meeting. If the remaining CV is received prior to the meeting, this will also be circulated to Members and the DMO.

3. Action required

- 3.1. Members are asked to consider the candidate's(s'), knowledge and experience and assess this against the requirements for the Authority's Independent Person.

- 3.2. If detailed discussion of the candidate's(s') CVs is required, the Committee should follow the Authority's adopted procedures for excluding the Press and public, under Section 100A of the Local Government Act 1972 on the grounds that it involves the disclosure of exempt information as defined by Paragraph 1 of Schedule 12A to the Act 1972 (information relating to any individual) as amended by The Local Government (Access to Information) (Variation) Order 2006 and that the public interest in maintaining the exemption outweighs the public benefit in disclosing the information.
- 3.3. The usual appointment period is for four years.

4. Financial implications

- 4.1. It is proposed to increase the allowance to £25/hour plus travel and subsistence, to match that paid by North Norfolk District Council.

5. Risk implications

- 5.1. The Authority has a legal duty to appoint an Independent Person and would be unable to carry out its statutory duties relating to the Code of Conduct without appointing at least one IP. Any subject member who is subject to a Code of Conduct complaint or investigation has a statutory right to consult with the IP. If that is not possible because there is no IP, the Authority is at risk of challenge.

6. Conclusion

- 6.1. Members are asked to recommend the appointment of Charles Monteith as the Authority's Independent Person.
- 6.2. Subject to receipt of the other candidate's CV and this demonstrating suitable knowledge and experience, Members may also be asked to recommend their appointment.
- 6.3. If Members do not agree to either or both appointments, then reasons should be provided.
- 6.4. The Broads Authority will be asked to approve the appointments at its meeting on 26 July 2024.

Author: Sara Utting

Date of report: 12 June 2024

Background papers: None