

BOROUGH COUNCIL OF KING'S LYNN & WEST NORFOLK**STANDARDS COMMITTEE**

**Minutes from the Meeting of the Standards Committee held on Monday,
18th December, 2023 at 9.30 am in the Council Chamber, Town Hall,
Saturday Market Place, King's Lynn PE30 5DQ**

PRESENT: Councillor A Ware (Chair)
Councillors B Ayres, S Lintern, S Nash, S Ring, A Ryves and
S Sandell (Vice Chair)

Under Standing Order 34:

Councillor S Lintern
Councillor A Ryves

Officers:

Alexa Baker, Monitoring Officer
Wendy Vincent, Democratic Services Officer

1 APOLOGIES

An apology for absence was received from Councillor S Squire.

2 MINUTES OF THE PREVIOUS MEETING

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The minutes of the meeting held on 3 February 2023 noted as being a correct record.

3 DECLARATIONS OF INTEREST

There were no declarations of interest.

4 URGENT BUSINESS UNDER STANDING ORDER 7

There was no urgent business.

5 MEMBERS PRESENT PURSUANT TO STANDING ORDER 34

Councillor S Lintern and A Ryves were present under Standing Order 34.

6 CHAIR'S CORRESPONDENCE (IF ANY)

The Chair advised that she had received an email from Councillor Ryves which would be addressed at the appropriate point in the meeting.

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SUMMARY OF 2022/2023 COMPLAINTS

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The Monitoring Officer presented the report which provided a summary and analysis of the Code of Conduct complaints received and/or determined in the period 1 April 2022 to 31 March 2023 in relation to both Borough Councillors and Parish Councillors from the 101 Parishes within West Norfolk.

The Committee's attention was drawn to the key issues set out in the report. Members are directed to Appendix A.

The Chair thanked the Monitoring Officer for the report and invited questions and comments from the Committee and those Councillors attending under Standing Order 34.

In response to a question from Councillor Sandell, the Monitoring Officer provided clarification on "carry out duties".

Under Standing Order 34, Councillor Ryves commented on the number of complaints received in relation to Methwold Parish Council (6 out of the 17 reported). In response, the Monitoring Officer outlined the reasons why there may have been an increase in the number of complaints received from Parish Councils.

Following questions from Councillor Ring on what happened with an investigation if a Councillor was re-elected, the Monitoring Officer explained that an investigation was terminated when a Councillor's term came to an end or resigned. If, however, a Councillor was re-elected and a subsequent complaint was received regarding the same issue then a decision would be made to see if the work already undertaken could be used to look at the "new complaint." The Monitoring Officer provided an overview of the process and referred to case law/tribunal in relation to a Freedom of Information of Information and Subject Access requests.

Under Standing Order 34, Councillor Ryves explained that the feedback received from Methwold Parish Council was that it took a lot of time to investigate a complaint. In response, the Monitoring Officer explained that the reason was that complaints were investigated by Eastlaw (the provider of legal services to the Borough Council). The Committee was advised that the legal and governance functions had now been brought back in-house and there was now the appropriate resource and key performance indicators had been set and would be

monitored to give a decision within 25 to 30 working days from the date a complaint was received.

Following a further question from Councillor Ryves on the rights of the public under the Freedom of Information Act, the Monitoring Officer explained that if a request was received for a copy of the Decision Notice or the draft held on file there was a two stage process and very few occasions when a copy of the Decision Notice would not be released.

In response to questions and comments from Councillor Nash regarding a complaint he had personally raised and what would the right of appeal be, the Monitoring Officer explained this would be subject to a judicial review, legal advice by the complainant or by raising a corporate complaint/Local Government Ombudsman on the way the complaint had been handled. If the complaint was upheld by the Local Government Ombudsman the Monitoring Officer would be made aware.

RESOLVED: The Committee noted the contents of the report, and in particular the contents of Appendix A.

8 **SUPPORT FOR PARISH COUNCILS WITH STANDARDS MATTERS**

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The Monitoring Officer presented the report which placed before Members a range of options to increase support for Parish Councils in relation to the Standards regime.

The Committee's attention was drawn to the key issues and issues for the Committee to consider set out in the report.

Within the Council's Corporate Strategy 2023 – 2027, it states as follows with regards to the priority of 'Efficient and Effective Delivery of the Council's Services.'

'Expand the Council's support to help parish councils with governance and to attract new Members.'

The Committee was informed that the number of Parish Council complaints for 2023-2024 is almost double that received during the period of 2022-2023 (thirty-two and seventeen respectively). Sixteen out of the seventeen Parish Councillor complaints in 2022-2023 came from fellow Parish Councillors.

The Committee was advised that the split of Parish Council complaints so far for the thirty-two 2023-2024 Parish Council complaints was seven from fellow Parish Councillors and twenty-five from members of the public.

The Monitoring Officer explained that it was hoped that by providing frontloaded support to Parish Councils, this will result in significantly reduced numbers of formal complaints, thereby saving the Borough Council the resource of its officers (including significant proportions of time of the Monitoring Officer and Deputy Monitoring Officer) which can be deployed elsewhere..

The Chair thanked the Monitoring Officer for the report and invited questions and comments from the Committee and Councillors attending under Standing Order 34.

The Monitoring Officer invited the Committee to consider the four recommendations set out in the report.

With regard to Recommendation 1, the Monitoring Officer explained that there would be training and resource available for Member Champions to try and resolve any governance dispute. The Monitoring Officer advised that clarification would be sought regarding Member expenses and added that if the Committee wished to consider this option and recommendation could be made via the Constitution Informal Work Group under the Corporate Performance Panel.

Councillor Sandell commented that there were 101 parishes which would be significant amount of work for one Member Champion.

Councillor Sandell stated that the a forum for all Parish Council Clerks and Chairs would be good idea and that a dedicated page on the Borough Council's website would be beneficial for Parish Councils to access when required and to ask questions.

The Monitoring Officer explained that there were two strands for Parish Councils:

- Conduct of Parish Councillors.
- Borough Council's Corporate Strategy – to expand support to help Parish Councils with governance and to attract new members. It was noted that a page was being developed for the Council's website which would contain links to information and a mail box would also be set up to signpost Councillors.

The Chair commented that although governance and conduct standards were two separate issues they often became mixed. The Chair acknowledged the email received from Councillor Ryves but advised that it was not appropriate to discuss the content at today's meeting.

Councillor Nash referred to advice he had obtained from the LGA in 2022 and to who instructed an officer to act on behalf of the Council and referred to the arrangement with Norwich City Council to provide the service of a Monitoring Officer. The Monitoring Officer explained

that there had been a previous arrangement with Norwich City Council to provide the service of a Deputy Monitoring Officer. However, it was highlighted that now an in-house legal team had been established, a Deputy Monitoring Officer had now been appointed.

Councillor Lintern added that it would be nice to have a Member Champion, but unless that person had any “teeth” Parish Councils would not take notice and would therefore have very little effect. Councillor Lintern advised that a forum was already being provided by NALC for Parish Council Clerks and Chairs and asked why duplicate something that was already in place and suggested that consideration be given to a joint project to publicise the forum.

Councillor Lintern explained that NLAC provided excellent training but unfortunately Parish Councils could not be forced to undertake such training. Councillor Lintern referred to the work being carried out nationally by ALC on a civil and responsibilities project.

The Monitoring Officer explained that she had already spoken to NALC and would discuss further the potential joint working. The importance of the Standards Committee and the Borough Council spreading the message to skill up Parish Councillors to deal with problems which arose was highlighted.

Councillor Ayres informed the Committee that the majority of Parish Councils had a website and added that one of the Parish Council meetings he had attended, the Clerk had a document setting out all the policies which could be easily referred to if required

In response, the Monitoring Officer explained that there was a considerable amount of information readily available and the Leader had held meetings with Parish Councils and the feedback received was that support was needed from the Borough Council to assist in heading off any complaints/emerging issues.

Councillor Ring concurred with the comments made by Councillor Sandell and outlined the benefits of a Member Champion and that added that maybe 4 Member Champions should be appointed. Councillor Ring commented that it was a challenge for some Borough Councillors to attend Parish Council meetings in their wards when there were a multiple number. Councillor Ring went on to say that NALC membership should be compulsory for Parish Councils but this was not possible to enforce because there was currently no legislation to allow this. In conclusion, Councillor Ring commented that Central Government should be lobbied to change the rules.

The Chair advised that she did not have a Parish Council in her ward but was happy to attend any Parish Council meeting within the Borough.

Under Standing Order 34, Councillor Lintern concurred with the comments made by Councillor Ring and explained that she had been lobbying the Government over many years and added that perhaps the Borough Council should also lobby to try to change the current rules. Councillor Lintern added that consideration should be given to support those Councillors where a complaint had been investigated and the decision was that no wrong going had been proven. The Chair added that perhaps a debrief or mentor could be looked into to provide that support. The Monitoring Officer explained that the Member Champion role could be expanded to include support and mediation if required.

The Monitoring Officer explained that if there was a mediation requirement to bring a Parish Council back together then the cost would be met by the Borough Council.

Under Standing Order 34, Councillor Ryves commented a Forum for Parish Clerks and Chairs was an excellent idea and that a number of Member Champions would be required to support the 101 parishes in the Borough.

With regard to Recommendation 1, the Monitoring Officer explained that the Standards Committee could make a recommendation to the Constitution Informal Working Group to establish Member Champions to be included as a constitutional change and Terms of Reference drafted. The recommendation to be discussed with the Chair of the Standards Committee and a forwarded to the Corporate Performance Panel with a recommendation to Cabinet and Full Council.

Councillor Ayres proposed that an informal work group comprising of 4 to 5 Councillors be set up to look at the Member Champion role. Councillor Sandell seconded the proposal. The Monitoring Officer explained that the Constitution Working Group had been set by the Corporate Performance Panel and there was therefore a framework in place for the Member Champion to be appointed but there was also the option for the Standards Committee to set up an Informal Working Group separately and put a recommendation forward to Cabinet and Full Council.

RESOLVED: 1) To consider proposing to the Leader of the Council that 'Member Champions for Civility in Public Life' be appointed under the 'Local Protocol – Member Champions' to act as one option of support to Parish Councils that request assistance with standards related matters. The Monitoring Officer to present a report to the Standards Committee at a future meeting.

2) That the Monitoring Officer set up an online 'forum' for all Parish Council Clerks within the Borough to attend to discuss how to promote and maintain high standards of conduct by members within their authority in consultation with NALC/ALC.

3) That the Monitoring Officer set up an online 'forum' for all Parish Council Chairs within the Borough to attend to discuss how to promote and maintain high standards of conduct by members within their authority in consultation with NALC/ALC.

4) That the Monitoring Officer in conjunction with the Chair of Standards Committee offer a one-day training event to Parish Councillors and their clerks at the King's Lynn Town Hall. Such training to be repeated once during every term after local government elections.

9 **DATE OF NEXT MEETING**

Date to be advised late February/early March 2024.

The meeting closed at 10.37 am