

Standards Committee

Minutes of the meeting held on 20 February 2025

Contents

1.	Welcome and apologies	2
	Openness of Local Government Bodies Regulations 2014	2
	Apologies	2
2.	Appointment of Chair	2
3.	Appointment of Vice-Chair	2
4.	Chair's announcements	2
5.	Declarations of interest	2
6.	Items of urgent business	3
7.	Minutes of last meeting	3
8.	Consultation on Strengthening the standards and conduct framework for local authorities in England title	3
9.	Code of Conduct for Members – review	7
10.	Other items of business	9
11.	Date of next meeting	9

Present

Stephen Bolt – in the Chair (from item 2 on the agenda), Andrée Gee, Paul Hayden, Tim Jickells.

In attendance

John Packman – Chief Executive, Jonathan Goolden – Monitoring Officer, Emma Krelle – Director of Finance, Lorraine Taylor – Governance Officer, and Sara Utting – Senior Governance Officer.

1. Welcome and apologies

The Chief Executive welcomed everyone to the meeting.

Openness of Local Government Bodies Regulations 2014

The Chief Executive 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 Chair 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.

Apologies were received from Peter Dixon and Gurpreet Padra.

2. Appointment of Chair

Stephen Bolt was proposed by Tim Jickells and seconded by Paul Hayden.

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

Stephen Bolt took the Chair.

3. Appointment of Vice-Chair

Tim Jickells was proposed by Paul Hayden and seconded by Andrée Gee.

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

4. Chair's announcements

There were no change in order of agenda items.

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. Minutes of last meeting

The minutes of the meeting held on 21 June 2024 were approved as a correct record and signed by the Chair.

8. Consultation on Strengthening the standards and conduct framework for local authorities in England title

Members received the report of the Monitoring Officer (MO). The MO said that it was hoped that the Standards Committee would only need to meet once a year, however, Code of Conduct issues were low-incidence, high-impact issues. He added that very robust systems had been set up but it was hoped that these would never be used. Much of the ability to not use those systems laid within the informal advice, guidance, and good chairing of meetings.

The MO said that, as Members would be aware, the Ministry of Housing, Communities and Local Government (MHCLG) had expressed the view that the current standards framework for English local authorities (which included the Broads Authority) was inadequate, and it was holding a consultation exercise on strengthening it. Changes made by the Localism Act 2011 to the English standards framework had removed the then national regulator, the appeals body and the ability to suspend or remove members from office.

Research undertaken by had established that local authority members in England were the most lightly regulated of any comparable European or Commonwealth country and less regulated than MPs. Many sector bodies including the Committee for Standards in Public Life, Lawyers in Local Government, the National Association of Local Councils, the Society of Local Council Clerks, CIPFA, Solace and the Jo Cox Foundation had called for the restoration of effective sanctions as part of combating rising intimidation and incivility in public life.

The MO had attended a round table discussion of the proposals with local government Minister Jim McMahon. There had been over 1,400 responses to the consultation so far. There appeared to be a desire for a national code, perhaps with some local flexibility to add to it, with assessment of complaints and hearings to take place locally but with a national appeal body for suspensions and disqualifications. It was likely that the Government would require that Standards Committees had some degree of co-opted independent members.

The consultation did not ask whether the code should extend to aspects of the private lives of members. In England and Scotland, the code only applied when a member was acting in that role (though the LGA model code referred to it applying when a member reasonably appeared to be acting as such). The MO said that in Wales, the code applied to actions outside the role of a member if that brought the member's office or authority into disrepute, however, it was sometimes hard to know when a member was acting as such when posting on social media and these cases were often the most damaging to the reputation of the local authority concerned.

The consultation questions and proposed responses were set out in Appendix 1 of the report. The MO went through each of the questions and explained the proposed responses. The MO said that if Members had any questions, disagreed with any of the responses, or thought that something should be added, they should stop the MO at that point.

Question 3 – A Member commented that when members, appointed by local authorities, were asked to introduce themselves, they stated that they represented a particular local authority, but in actual fact the member was appointed to the Broads Authority and did not represent the interests of the local authority. The Chief Executive (CE) said that it was difficult for local authority members, particularly around planning, where they felt they represented the local inhabitants, however, they were there to make decisions in the best interests of the Broads Authority. The MO said that there was merit to point out to the Ministry that National Park members were different to those of a local authority and were not elected. A Member, as a local authority appointee, commented that they always voted for what was right for the Broads Authority. Local authority appointees acted as a conduit between the Broads Authority and the appointing local authority and provided regular reports back on what had been happening at the Broads Authority.

A Member asked whether there were any checks and balances as to what could be added or taken out of the code. The MO said that there was some debate on this matter in the ministerial round table and it was acceptable to add to the code, but not detract. The MO thought that a National Code would be produced with added guidance.

Question 6 – The CE asked for clarification on what a Principal Authority was. The MO explained that Principal Authorities were the district and county councils, and unitary authorities but that National Park authorities were (together with Principal Authorities) all ‘Relevant Authorities’ covered by the consultation.

Question 9 – Although the ‘yes’ box had been checked, the MO thought that the Independent Person (IP) should not chair the Standards Committee. It was important that the IP remained independent to provide the assurance that processes were being conducted fairly and properly. There was, however, merit for the Standards Committee to be chaired by an independent lay member, which would be an entirely different role from that of the IP. A Member commented that he did not think that the IP should be the Chair of the Standards Committee. A Member commented that it would be healthy for an independent lay member to be part of the Standards Committee. The MO said that one of the things that the current system did well was the ability to filter out the vexatious complaints because the decision making was done by the MO in consultation with the IP who applied an objective set of criteria.

It was agreed that the MO should change the answer on question 9 from ‘yes’ to ‘no’. The MO explained that at question 10, there was a text box which would enable him to set out the Members’ views regarding the IP and a lay member.

Question 12 – A Member commented that if a Member resigned, it would then be possible for them to say that they were no longer bound by the Code of Conduct and therefore would not have to co-operate with any hearing.

Question 17 – The MO said that Members might wish to add to comments to suggest that those who raise a complaint should be given the same protections as those within the Authority's Whistleblowing Policy. The CE said that the Broads Authority had a welfare helpline which provided a facility for staff, members and volunteers to call for independent advice on a range of subjects, including financial and legal advice as well as mental health support. The MO said that not all authorities provided this type of support and asked the SGO to send him details of the welfare helpline to include in the consultation response.

Question 18 – The MO read out an email sent by a Member which accompanied their apology for the meeting: "I think the powers to suspend or remove remain inadequate. Given the recent history of the BA, the ability of a member to disrupt the business of the Authority with impunity on a continuing basis is a real problem and is not dealt with by the proposed changes. A member who had been profoundly disruptive was removed after a long process and then returned as a nominated member from one of our local authorities. That should not be possible." The MO said that his view was that the Authority might not use suspension very often, however, the ability to suspend gave credibility to the overall process. A Member commented that there was a need to have the ability to remove a member as well as suspend.

It was agreed that the MO would add this to the comment section at question 19.

Question 19 – A Member asked for clarification on the power to suspend a member and whether that should be through a Standards Committee recommendation to the Broads Authority for them to make the final decision. The CE confirmed that this was how it had happened previously. The MO said that his view was that a Hearings Sub-Committee of the Standards Committee would make the decision and the outcome would be reported to the Broads Authority. A Member commented that the Standards Committee should have delegated powers to make that decision and that the IP should be there to assure that the process had been carried out correctly and not to veto the decision.

The MO said that, in relation to the second point in the Member's email regarding the reappointment of a suspended member through another path, sanctions would apply and the subject member would not be able to appear as a different type of member. A Member commented that if a member was suspended, there should not be a means for that person to be reappointed via any other path. The MO confirmed that he would add to the comment section of question 19, that if the member was suspended by the Broads Authority, it should not be possible to be reappointed by another appointing body.

It was agreed that the MO would amend the comments to reflect the Committee's views.

Question 21 – A Member commented that there should be a range of sanctions – 6 months might not be long enough for some particular cases. The MO said that there was also the opportunity to disqualify a member. A Member commented that a suspension also protected

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any witnesses or complainant, therefore, depending on how long an investigation took, 6 months might not be long enough to cover a full investigation.

It was agreed that the answer to question 21 should be amended to 'No – I do not think the government should set a maximum length of suspension'.

Question 25 – A Member commented that it would be possible for a suspended member to attend a committee meeting as a member of the public and that there would need to be safeguards put in place to prevent any potential bullying. The MO confirmed that as a suspended member, they would have no contact with staff or members of the authority. The MO said that he would flag up this issue within the comment section where a suspended member would be able to continue bullying via other means, such as social media or attending meetings as a member of the public.

Question 28 – A Member asked whether the MO could add in the text box a requirement for the process to be completed as quickly as possible. The MO confirmed that he would add that to the comment box.

A Member asked how much teeth did a Code of Conduct have and could a member make a legal challenge claiming that it was against their rights. The MO said that there had been judicial review challenges which had almost all been on Article 10 of the European Convention on Human Rights - the right to freedom of expression. A member could criticise policies and performance but not abuse the person.

Question 31 – The MO said that this question was about 'repeat offenders'. If someone was suspended twice, should this trigger an automatic disqualification. However, there were questions to be answered in relation to how this would work for disqualification of a member of a National Park and the appointing body. A Member commented that he thought that there should be the option of disqualification, however, it should be about the seriousness of the offence not the number of times an offence had been committed, i.e. was the sanction of disqualification appropriate in a particular case.

Members agreed that the MO should add the wording that as long as a fair process and hearing has been conducted then immediate disqualification should be an option.

Question 37 – A Member asked whether appeal body would be limited to the most serious of offences, i.e. disqualification only. The MO confirmed that it would.

Question 40 – A Member commented that this would benefit those with protected characteristics as it would lead to higher standards of conduct.

Members agreed that the answer should be changed to 'It would benefit individuals with protected characteristics'.

Andrée Gee proposed, seconded by Tim Jickells.

It was resolved unanimously to approve the Authority's formal response to the consultation for submission to the MHCLG, subject to the MO compiling responses in accordance with the views expressed in the meeting.¹

The meeting adjourned at 11:30am and reconvened at 11:34am.

9. Code of Conduct for Members – review

Members received the report of the Monitoring Officer (MO). The MO said that he and the Senior Governance Officer (SGO) had carried out a review of the Code of Conduct for Members. The review was to tidy up the interests section and the MO confirmed that there were no substantive changes to the behavioural elements of the Code. He explained that there were three changes proposed to Appendix B of the code which dealt with interests.

1. The code adopted by the Authority in 2021 was taken almost word for word from the LGA model code but it omitted the paragraph numbering from that model in Appendix B. That made the Authority's code harder to follow and in one place, potentially confusing as it referred to a paragraph number which was not there. The proposed change inserted the paragraph numbering from the LGA code. This would make Appendix B easier to follow and consistent with other Norfolk local authorities' codes which would assist council-appointed members of the Authority.
2. What would become paragraph 8 of Appendix B (page 38 of the papers) of the current code sets out circumstances in which a member must not only declare a Non Registrable Interest (NRI) but must also not speak or vote on the item. Those circumstances were that the NRI affected the financial interests or wellbeing of the member, a relative or close associate or a range of bodies set out in Table 2 (on page 42 of the papers):
 - a) To a greater extent than it affects the financial interests of the majority of the inhabitants of the ward affected by the decision; and
 - b) A reasonable member of the public knowing all the facts would believe that it would affect the member's view of the wider public interest.

An example might be that a member was an unpaid director of a sailing club who sat on the Planning Committee. If the sailing club applied for planning permission to extend the clubhouse, that decision would affect the financial position or wellbeing of the sailing club and was therefore an NRI which the member must declare. It was also an NRI which affected the financial interests of the sailing club more than the majority of inhabitants of the area. Currently "area" was defined as the ward affected by the decision, however, the Authority did not have wards, and this was potentially

¹ The MO circulated the amended response to the consultation to Members of the Standards Committee on Monday, 24 February 2025.

confusing. Other National Park authorities defined the area as that of the National Park. It was proposed that the area was that of the Broads Authority.

The result would be that a member would have to leave the room if their NRI affected the financial interests of themselves, a relative or close associate or a Table 2 body more than inhabitants of the Authority's area as a whole. The change was not expected to lead to markedly different outcomes but would resolve a technical drafting point.

3. The current version of the Authority's code sets out, at the bottom of page 38 of the papers, that as long as the member had declared the interest, they may nonetheless attend, speak and vote. These were the setting of tolls where the member owned a boat, matters relating to schools where the member was a parent, guardian or governor of a child at a different school in the area, and an allowance, payment or indemnity given to members. There was also a note saying that some other subject matters might apply in local government but were unlikely to apply to the Authority.

It was, therefore, proposed to remove the reference to schools and the note about other subject matters as being irrelevant. The MO said that it was difficult to think of a case where the Authority was taking a decision which related to schools such that a member had an interest in the first place.

The MO confirmed that, in relation to the discussion on tolls at the Navigation Committee, there was a 'baked-in' dispensation for all boat owners to take part in that particular item and vote, which included commercial boat owners. However, when tolls were discussed at the Broads Authority meeting, private boat owners would have a dispensation but hire boat operators would need to leave the meeting for that particular item.

There was a discussion about what constituted private and commercial interests and individual grants of dispensation. The MO said that he had the ability to grant a dispensation to hire boat operators to enable them to 'participate and vote at the Navigation Committee meeting on all matters where the member would otherwise have a pecuniary interest through their employment or business, subject to a requirement to declare such interests as and when arises'. The public interest rationale for this was that the Navigation Committee was designed statutorily to be a consultative body which captures those with interests. The MO proposed that the dispensation that was given to the hire boat operators was 'baked-in' for all members of the Navigation Committee for Navigation Committee business. The Chief Executive (CE) said that the dispensation should only be for the setting of the tolls at the Navigation Committee meeting, as, for example, if a member of the committee was present when a planning application that affected their business was discussed, they would need to leave the room. The MO confirmed that this dispensation would be limited to tolls only.

A Member asked for clarification that if the Chair of the Navigation Committee, who was a member of the Broads Authority was not allowed to take part during the setting of tolls item, how would members of the Broads Authority be able to ask questions of what was discussed at the Navigation Committee. The SGO confirmed that there were five members of the Broads

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Authority who were appointed to the Navigation Committee, so they would be available to answer any questions.

Members discussed individual circumstances around setting tolls, and who should be granted dispensation. The MO confirmed that members of the Broads Authority would have to apply for dispensation on a case by case basis. The MO proposed that he and the SGO would look at the wording for section 9 of the Code of Conduct in relation to the grant of dispensation in relation to tolls setting. He suggested the wording be “to participate and vote at Navigation Committee meetings on matters relating to Navigation tolls setting where the member would otherwise have pecuniary interests with their employment or business, subject to a requirement to declare such interest as and when it arises.”

Paul Hayden proposed, seconded by Tim Jickells.

It was resolved unanimously to recommend the Broads Authority adopts the revised Code of Conduct for Members, subject to the Monitoring Officer being instructed to, in consultation with the Chair of the Standards Committee, amend the wording to paragraph 9 of the Code of Conduct to include ‘private’ in relation to the setting of tolls; and to provide the ability for the members of the Navigation Committee, irrespective of their commercial interests, to participate in meetings on matters relating to navigation toll setting.

The Chair thanked the MO for two clear presentations on what were both very tricky subjects.

10. Other items of business

There were no other items of business.

A Member commented that the meeting was very close to not being quorate. The Senior Governance Officer said that the Governance team could send an email to remind members.

11. Date of next meeting

The next meeting of the Committee would be held on Thursday 12 March 2026 at 10.00am at Yare House, 62-64 Thorpe Road, Norwich NR1 1RY. Further meetings would be called as and when needed.

The meeting ended at 12:04pm

Signed by

Chairman