

NORTH YORKSHIRE COUNTY COUNCIL

Annual Report of the Standards Committee 2007

1.0 PURPOSE OF REPORT

- 1.1 To provide Members of the County Council with an annual report on the work of the Standards Committee. This report covers the period from 1 January 2006 to 31 May 2007.

2.0 BACKGROUND

- 2.1 The Standards Committee was established in 2001 as part of the ethical framework for local government flowing from the Local Government Act 2000. The ethical framework is now well established and also includes the Code of Conduct for local authority Members and the independent Standards Board for England (SBE) which oversees the ethical framework and provides advice and support to local authorities on ethical standards issues. The terms of reference of the Standards Committee are set out at Appendix 1.
- 2.2 The Monitoring Officer supports the Committee in its work in promoting and maintaining high standards of conduct within the Council, including the establishment and maintenance of the Register of Members' Interests and dealing with complaints against Members, where they are referred by the SBE for local investigation and/or determination.
- 2.3 The Standards Committee presents an annual report of its activities to the Council. Section 3 of this report presents an account of the work which has been undertaken by the Standards Committee during the period 1 January 2006 to 31 May 2007.

3.0 WORK UNDERTAKEN

- 3.1 The work undertaken by the Standards Committee between the period 1 January 2006 to 31 May 2007 is set out below:
- 3.2 During this period the Committee met on 8 May, 10 July, 6 November 2006, and 12 January, 1 and 19 March, and 9 May 2007. The work undertaken is as follows:

a) Changes to the Ethical Regime: The most significant work of the Committee during this period has related to the changes to the ethical regime that are being brought about following the publication in December 2005 of a report from the then Office of the Deputy Prime Minister (ODPM) entitled 'Standards of Conduct in English Local Government: The Future'. In part the report suggested changes to the current arrangements for the investigation and determination of complaints against council Members, particularly suggesting a new, more arms length, strategic role for the SBE, and more direct involvement and local influence through local standards committees. It was suggested that only the most serious cases would be referred to the SBE for investigation, with the majority of complaints being handled locally. As part of the measures towards implementing this initiative, in August 2007 the Standards Committee successfully participated in a national pilot exercise for the SBE on the local filtering of complaints. The ODPM report also touched upon support to Standards Committees and Monitoring Officers, ensuring they are of the appropriate quality and able to promote high standards so that concern for standards is embedded in all aspects of an authority's work.

b) New Code of Conduct: The ODPM report also set out proposals to simplify and clarify the Code of Conduct. Following this draft revisions were issued for consultation in late January 2007. The Standards Committee considered the draft revisions in March 2007 and submitted a detailed response to the consultation. The revised Model Code of Conduct was issued in May 2007. The Committee has a statutory responsibility to advise the Council on the adoption of the new Code. The Committee considered the new Code, and the Council adopted it in May 2007. The Standards Committee has agreed training that is being delivered to members to ensure familiarity with the new Code. An initial training session given in May is to be repeated to ensure all council members have the opportunity to be apprised of the changes that affect them.

c) Communications Strategy: On 8 May 2006 work began on a Communications Strategy for the Committee. This initiative resulted from the Ethical Audit undertaken in 2005/6, the results of which showed a need to raise the profile of the Committee and ethical standards within the Council and externally. The Strategy was developed with the Communications Unit to be consistent with the Council's Communications Strategy. The Strategy has recently been agreed and is being implemented. As a first step, to further promote awareness of standards issues outside of the Council, an article has appeared in the NY Times which is being followed up with monitoring of awareness through the Citizen's Panel.

d) Ethical Audit: In 2006, work continued following the detailed Ethical Audit of the Council that was undertaken using the Standards Board for England ethical guidance toolkit. Members will recall that the Audit involved members and officers throughout the Council. A detailed action plan was developed from the findings of the Audit that forms the basis of the current work plan of the Committee. During 2006 the Chairman of the Standards Committee, James Daghish, and Independent Member Gillian Fleming were invited to attend a meeting at Leeds City Council to speak about the Ethical Audit process undertaken by the County Council. The County Council was commended by the Audit Commission for the ethical audit which was regarded as a model of good practice.

e) Ethical Environment in Local Government: In September 2006 the Committee considered a report relating to the components of an ethical environment in local government following research undertaken by the Institute for Political and Economic Governance for the SBE. The report sought to identify the characteristics of an ethical environment, the relationship of components to officer and Member behaviour, and good practice. The importance of ethical organisational values, and effective leadership on these issues from the most senior officers and Members was recognised. The research report also discussed the role of the Standards Committee and the merits of its involvement in a wider role given its ability to bring an independent view, and its connection with probity and ethics. The Standards Committee also, periodically, considers the nature of its role and whether there is scope for a wider approach.

f) Complaints in relation to alleged breaches of the Code of Conduct: The Standards Committee has not been required to investigate or determine any complaint against any Members of the Authority. Notification has been received of five complaints relating to County Council members referred to the SBE during the relevant period. None was considered by the SBE to merit investigation. The Council has also been notified of four other complaints affecting County Council members, but submitted in their capacity as members of other authorities. It is pleasing that the level of County Council complaints is low, but it is an important role of the Committee to continuously review the position on an ongoing basis, and also review the means by which the public can be made aware of how complaints can be raised.

g) Review of Standards Developments: The Committee continues to consider cases decided by the Adjudication Panel, and to provide guidance and review existing guidance to Members in the light of these cases. In November 2006, the Committee also considered in this context the Standards Board Case Review Number Four. The case review provides a helpful review of the role of the Standards Board and its findings and guidance. Key themes emerging from the case review in relation to interpretation of the Code were identified in the following areas:

- bringing the Authority into disrepute
- failing to treat others with respect
- breaches of confidentiality and
- failure to declare personal and prejudicial interests.

In terms of allegations that a Member's behaviour has brought an Authority into disrepute, the behaviour involved must be sufficiently proximate to be linked to his or her official capacity. As it currently stands, the behaviour of a member in his/her private life will not be viewed as impacting on their role as a councillor. Imminent legislative changes will result in criminal convictions in a member's private life potentially being a breach of the Code. Where it is alleged that there has been a failure to treat others with respect, it must be shown that the Member involved showed unfair, unreasonable, or demeaning behaviour which has been directed by one person against others. The requirement to treat others with respect does not prevent the expressions of freely held views, inhibit opinions or prohibit criticisms. A finding of disrespect will only be made if the behaviour is aimed at identifiable individuals as opposed to a group, and will usually arise from a pattern of behaviour. Disrespect, and particularly bullying, is viewed seriously, and where they are found to be substantiated the penalties are generally significant.

h) Standards Bulletin: The Committee has issued standards three Bulletins to all members of the Council to assist in maintaining awareness of current standards issues and developments.

i) Independent Member Appointment: The term of office of Professor Alan Lawton as independent member of the Committee was completed following the Annual Council meeting in May 2007, and Dr Janet Holt was appointed. Professor Lawton's very valuable contribution to the work of the Committee and the Council during the course of his term was acknowledged by the Committee and a message of appreciation sent by the Chairman.

j) Monitoring of Corporate Complaints: The Committee received a report from the Monitoring Officer on corporate complaints received by the Council, complaints referred to the Local Government Ombudsman, incidents of Whistle blowing and freedom of information requests. The purpose of the report is to assist the monitoring standards within the authority. The incidence of complaints can be an indicator of the ethical health of an authority. The report will be presented to the Committee periodically.

k) Employee Code of Conduct: The Committee received several reports in relation to the development of the Model Code of Conduct for Employees. Whilst a government consultation draft was received and considered in 2004, no further progress has been made in terms of the actual model being issued. The Committee considered the Council's current Employee Code which was last revised in 1998, and it was decided that given the recent changes to the member Code of Conduct, that the Employee Code should at least be updated, whilst recognizing that it will have to be revisited when the Model Code is finally issued. Work is currently on going on this project.

l) Employee Register of Interests: The centralised Register of Employee Interests held by the Monitoring Officer is non-statutory but is recognised as good practice. It is being rolled out across the Directorates following a successful pilot exercise, and the process has been monitored by the Committee.

m) Member Interests on the Council's Web Site: Following the Council's agreement to the Register of Members' Interests being placed on the Council web site, the Register was published accordingly, and is now being revised following the implantation of the new Code of Conduct. Most members actively agreed to their interests being included to facilitate public access.

n) Defined Roles: Following the recommendations of the Committee the Council has now adopted defined roles for the Leader of the Council and the Chief Executive Officer in the ethical framework. This meets one of the Audit Commission's key lines of enquiry. The Council has also agreed a statement of the Council's stance on the ethical agenda, and has defined the roles of senior officers in the ethical framework.

o) Fifth Annual Assembly: Members of the Committee and the Monitoring Officer attended the Fifth Annual Assembly of Standards Committees in October 2006. The main thrust of the Assembly dealt with the changes to the ethical regime. The Committee was briefed as to the outcome of the Assembly. Members of the Committee and the Monitoring Officer also attended SBE road shows dealing with the changes to the ethical regime and the new Code of Conduct.

4.0 FUTURE WORK

- 4.1 Subject to legislative changes being implemented, it is anticipated that the Committee will be involved in the further implementation of the local filtering and handling of complaints. It is a welcome development towards ensuring that the handling of complaints is more effective and that they are dealt with in their local context. If complaints are handled locally, this is likely, ultimately, to give rise to an increased workload for the Committee. It is anticipated that the local filtering arrangements will be in place by May 2008.
- 4.2 Other pilot schemes undertaken by the SBE related to the formation of joint Standards Committees to deal with several authorities. It is recognized that there can be some duplication of work and there is likely to be a move toward rationalization in due course. At present North Yorkshire County Council's Monitoring Officer also supports the Standards Committees for the North York Moors National park Authority, and the North Yorkshire Fire and Rescue Authority.
- 4.3 Standards Committees and authorities are likely in future to be monitored for their effectiveness in terms of maintaining high ethical standards.
- 4.4 The Committee will continue this year to work through the action plan arising from the Ethical Audit.

5.0 RECOMMENDATION

- 5.1 The Council is recommended to receive and note the report of the Standards Committee.

JAMES DAGLISH
Chairman of the Standards Committee

County Hall

NORTHALLERTON

1 October 2007

Appendix 1

3.0 TERMS OF REFERENCE OF THE STANDARDS COMMITTEE

3.1 The County Council has given the Standards Committee the following terms of reference:

- a) Promoting and maintaining high standards of conduct by Councillors, co-opted Members and church and parent governor representatives;
- b) Assisting the Councillors, co-opted Members and church and parent governor representatives to observe the Members' Code of Conduct;
- c) Advising the Council on the adoption or revision of the Members' Code of Conduct;
- d) Monitoring the operation of the Members' Code of Conduct;
- e) Advising, training or arranging to train Councillors, co-opted Members and church and parent governor representatives on matters relating to the Members' Code of Conduct;
- f) Granting dispensations to Councillors, co-opted Members and church and parent governor representatives from requirements relating to private and personal interests set out in the Members' Code of Conduct;
- g) Dealing with any reports from a case tribunal or interim case tribunal and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer;
- h) Dealing with any complaints (other than those which fall to be dealt with by the Standards Board/Ethical Standards Officers) made against individual Members, co-opted Members and church and parent governor representatives on the Council and its committees;
- i) A general overview of ethical issues in relation to the Authority, including in particular any investigations undertaken, and reports issued, by the Local Government Ombudsman;
- j) Advising the Council on any amendments to its Constitution which might be desirable in the light of issues concerned with ethics and conduct;
- k) Considering any allegation that a Member of the Council has not performed his/her duties under the Constitution. The Standards Committee will investigate, afford the Member a hearing, and may then advise the Member as to what action they should take. Should the Member subsequently fail to take such action, they may be censured by the Standards Committee.