

The Report of the Standards Committee

The Standard Committee met at County Hall, Northallerton on Monday, 10 May 2010. Present:- James F S DGLISH (Independent Member) in the Chair. County Councillors Philip Barrett, John Blackie (as substitute for Peter Popple), J W Marshall, Peter Sowray and Geoff Webber; together with Hilary Gilbertson, Dr Janet Holt and Henry Cronin (Independent Members).

1. The Standards Committee Annual Report: The Standard's Committee agreed to present the Annual Report for 2009/10 to the full Council, appraising the Authority of the work of the Committee, as it assists in raising the profile and awareness of the Committee and ethical standards generally. The report is attached at Appendix 1 and highlights work undertaken by the Committee over the past year and potential future work. The terms of reference of the Standards Committee are appended to the report for information.

The Standards Committee RECOMMENDS:-

That the Annual Report of the Standards Committee 2009/10 be noted.

2. Appointment of Chairman of Standards Committee: The Standards Committee appointed Mr Henry Cronin as its Chairman, from the 19 May 2010 until the Meeting of the Annual County Council in 2011.

The Standards Committee RECOMMENDS:-

That the appointment of Mr Henry Cronin as Chairman of the Standards Committee be noted.

JAMES F S DGLISH
Chairman of Standards Committee

County Hall,
NORTHALLERTON.

11 May 2010

NORTH YORKSHIRE COUNTY COUNCIL

19 May 2010

Annual Report of the Standards Committee 2009

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 May 2009 to 30 April 2010.

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 well established and also includes the Code of Conduct for local authority Members and Standards for England (SFE) which oversees the ethical framework, monitors the local standards regime 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 Members of the Standards Committee are:

County Councillor Philip Barrett
Mr Henry Cronin*
Mr James Daghish (Chairman)*
Mrs Hilary Gilbertson MBE*
Dr Janet Holt*
County Councillor David Jeffels
County Councillor John Marshall
County Councillor Peter Popple
County Councillor Peter Sowray
County Councillor Geoffrey Webber

* Independent non-elected Members.

Gillian Fleming was Independent Member of the Committee until February 2010.

- 2.3 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 (hard copy and electronic versions) and dealing with complaints against Members under the local standards regime.
- 2.4 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 May 2009 to 30 April 2010.

3.0 WORK UNDERTAKEN

- 3.1 The work undertaken by the Standards Committee between the period 1 May 2009 to 30 April 2010 is set out below:
- 3.2 During this period the Committee met on 18 May 2009, 5 August 2009, 21 September 2009, 30 November 2009 and 1 February 2010 and 5 February 2010.
- 3.3 The Standards Committee's Complaint Assessment Review and Determination Sub-Committees met on 1 June 2009, 21 September 2009, 9 December 2009, 18 January 2010 and 1 February 2010.
- 3.4 The work undertaken is as follows:
- (a) Further Implementation of the Local Standards Regime: In the course of this year there has been further development and agreement of detailed processes for the assessment, investigation and determination of complaints. The Committee's procedures comply with statutory guidance and have been followed in the conduct of a number of complaints. The Standards Committee comprises ten members of which four are independent members. Sub-Committees are now well established and their terms of reference determined enabling the proper handling of the assessment, review and determination of complaints.
 - (b) Communications Strategy: The aim of the current ethical framework is to raise public confidence in councillors and Council officers. It is important that awareness of the ethical standards to which the Council operates is known throughout the Council, and understood by the public. The Standards Committee has a Communications Strategy to assist with achieving this objective, and during the course of 2009/10 undertook a review of its action plan for the communication of ethical issues. Recognised was the need to make sure that issues about ethical standards and the Code of Conduct were communicated effectively not only to Members but also to officers, and that information should be readily available on the intranet and on the Council's website. Various measures were considered to further promote ethical standards and the work of the Committee with ongoing liaison with the Council's Communications Unit. Other examples are including information in the staff newsletter, ensuring that information in relation to ethics and standards is included in induction programmes, the Council's Leading Members attending Standards Committee and annual reminders in relation to the Register of Interests.
 - (c) Review of Ethical Arrangements: The Committee undertook a review of the ethical arrangements in place within the authority and considered ideas for future developments based on national examples of good practice. Amongst the issues considered was ensuring that the County Council's partners were operating to similar ethical principles or working to their own ethical code. It was recognised that current work was being undertaken in relation to the development of partner working which could incorporate reference to ethical standards issues.
 - (d) Dispensations: The Standards Committee considered and agreed to applications for dispensations from County Council Members and co-opted District Council Members of the Craven and Hambleton Area Committees who had a prejudicial interest in an issue relating to car parking charges in the Craven and Hambleton Areas. The Area Committees considering the matter would have been inquorate without dispensations being granted. The dispensations were approved. A further request for dispensation was received from Members of the Yorkshire Coast and Moors Area Committee in relation to village green applications. The

Members had a prejudicial interest because of their dual hatted status as District Council Members in relation to the consideration of an application for registration of a village green. Again the difficulty encountered was that the meeting would be inquorate because of the number of Members with prejudicial interests. After careful consideration the Standards Committee did not grant the applications and they were then referred to the Planning and Regulatory Functions Committee of the Council for determination. The Standards Committee continues to monitor the number and nature of applications for dispensation.

- (e) Public Perception of Ethics: The Committee considered a report on findings on public perceptions of ethics published by Standards for England. The general result of the research showed that the local standards frameworks had had a positive impact on Local Government and the behaviour of Councillors nationally had improved. Those within Local Government had a far higher level of confidence in the ability of Local Government to uncover poor behaviour and deal with it properly, when compared to the public however. Public attitudes towards local Councillors seem to have changed less markedly than for MPs and politicians generally, particularly in the light of the expenses issues.
- (f) Training: Training to Members on the ethical framework was included in the induction training for Council Members which took place following the elections in June 2009. Further training was offered at a Members' Seminar on 11 November 2009 which also covered Members and their position in relation to Freedom of Information. Standards Committee Members have also received training on the local assessment of complaints using Standards for England training DVD. Standards Members are also given training prior to every Sub-Committee for the assessment, review or determination of complaints. The Committee continues to maintain an ongoing training plan to ensure that appropriate training in relation to standards issues is being provided to Members of the Council.
- (g) Monitoring of Corporate Complaints: During the course of the year the Committee received reports in relation to corporate complaints received by the Council, complaints referred to the Local Government Ombudsman, the incidence of whistle-blowing and freedom of information requests. This report aims to assist the monitoring of ethical governance within the authority. The incidence of complaints can be an indicator of the ethical health of an authority and its governance arrangements.
- (h) Complaints in relation to alleged breaches of the Code of Conduct: The Standards Committee received three complaints in relation to alleged breaches of the Code of Conduct. The first complaint concerned various allegations relating to the requirement not to use or attempt to use a Councillor's position improperly to confer an advantage or disadvantage, the requirement in relation to the declaration of personal interests, and the requirement to declare a prejudicial interest and withdraw from meetings. The complaint was considered by the Assessment Sub-Committee who determined that no action was justified. That outcome was confirmed on review. The second complaint related to the requirement to treat others with respect. The complaint was referred for investigation and determination and there was a finding that the Member involved had failed to treat others with respect, and an appropriate sanction imposed by the Committee. The third complaint is still in the course of handling. Yet again 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 to review the means by which the public can be made aware of how complaints are going to be raised.

(i) Review of Standards Development: The Committee continues to consider developments in relation to the ethical framework and to provide guidance to Members through training and the standards bulletin which is circulated periodically. Particularly helpful this year were guidance received from Standards for England in relation to Joint Standards Committees, the handling of applications for dispensations, and guidance on other action which can be taken by Monitoring Officers following the assessment of a complaint in an attempt to resolve any issues other than through a formal investigation and determination route. Standards for England also publish various online guides in relation to the following:

- ◆ Gifts and hospitality.
- ◆ Disclosing confidential information.
- ◆ Bullying and the Code of Conduct.
- ◆ Lobbying.
- ◆ Personal and prejudicial interests.
- ◆ Freemasons and the Code of Conduct.
- ◆ Independent Members.

The guides can be accessed on the Standards for England website and provide useful guidance for Members. Two topic guides have also been released in relation to charitable trustees and declarations of interest under the Code, and pre-disposition pre-determination or bias and the Code Conduct.

(j) 2009 Annual Assembly: Members of the Committee and the Monitoring Officer attended the 2009 Annual Assembly of the Standards Committees in October 2009. The main thrust of the assembly dealt with consolidating good practice in the work of Standards Committees, and explored the potential future of the ethical standards regime.

(k) Standards Bulletin: The Committee issued 5 standards bulletins during the course of 2009/10 to assist Members in keeping up-to-date with standards issues.

(l) Employee Surveillance Procedures: The Committee considered a report in relation to the Council's arrangements for the use of surveillance under the Regulation of Investigatory Powers Act 2000. The Committee considered how information in relation to the use of RIPA powers was monitored and were advised that a strict protocol and legal framework were complied with within North Yorkshire.

(m) Protocol for Officers' Gifts and Hospitality: The Committee considered a draft protocol in relation to gifts and hospitality which are offered to officers. The offer and receipt of gifts and hospitality to Members is regulated by the Code of Conduct, but in relation to officers the authority must determine its own local rules. The draft protocol was subsequently considered by Management Board and will be finalised at the next meeting of the Standards Committee.

(n) Standards for England Report assessing the Impact of Standards Committees: The Committee considered a report from Standards for England on how Standards Committees had impacted on the ethical regime. The report considered case studies looking at organisational learning, Member development, working in partnerships, recruitment and retention, training and

development, joint Standards and Audit Committees, dealing with high pressure investigations and embedding standards. The key findings of the report were:

- ◆ Notable Standards Committees were committed to a number of innovative practices.
 - ◆ Leadership was essential, particularly in terms of political support within the authority.
 - ◆ The composition of Standards Committees has to be balanced. It is important to bring a range of skills, knowledge and experiences to the Standards Committee, particularly in relation to Independent Members.
 - ◆ Standards Committee learn good practice from each other.
- (o) Standards Work Programme 2010/11: The Standards Committee maintains a work programme which is reviewed at every meeting. The current work programme for 2010/11 is attached as Appendix 2 to this report.
- (p) Monitoring: Monitoring returns in relation to the local handling of complaints have been completed and submitted to Standards for England at the end of each quarter since July 2008. A detailed Annual Return dealing with the performance and achievement of the Standards Committee itself must be submitted to Standards for England and is taken into account in the Council's use of resources assessment. The Annual Return prepared in April 2010 is attached as Appendix 3 to this report. The Annual Return will be circulated to officers and Members, placed on the Council Website and Intranet and details will be publicised in the NY Times.

4.0 FUTURE WORK

- 4.1 It is anticipated that the Committee will be further involved in the coming year in the local filtering and handling of complaints. Whilst the Council's incidence of complaints remains low, their handling is resource intensive.
- 4.2 The Committee will continue its work in the promotion of high ethical standards, including delivering its Communications Strategy and further involvement in training of officers and Members.

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

28 April 2010

Terms of Reference of the Standards Committee

9.03 Roles, Terms of Reference and Functions

The Standards Committee will have as its terms of reference, exercising the following roles and functions:

- (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 and effectiveness 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) receiving and assessing complaints that Councillors, co-opted members and church and parent governor representatives may have breached the Code of Conduct for Members;
- (h) reviewing Standards Committee decisions to take no action on a complaint that the Code has been breached, where such review is requested by the complainant;
- (i) determining complaints (other than those being determined by the Standards Board/Adjudication Panel) that Councillors, co-opted members and church and parent governor representatives may have breached the Code of Conduct for Members;
- (j) dealing with any reports from a case tribunal or interim case tribunal, any reports to the Committee by an Ethical Standards Officer, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer (see 12.03 (d)) to the Monitoring Officer;
- (k) 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;
- (l) advising the Council on any amendments to its Constitution which might be desirable in the light of issues concerned with ethics and conduct;
- (m) dealing with any other complaints about Councillors' conduct, unrelated to the Code of Conduct, referred by the Chief Executive Officer. In such circumstances the Standards Committee may 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;

- (n) granting exemptions to officers in politically restricted posts to allow them to engage in political activities;
- (o) exercising all functions in respect of the publication of Standards Committee independent Member vacancies;
- (p) assisting in the recruitment of independent members to the Standards Committee (but not approving individual appointments).
- (q) taking decisions on withholding Members' allowances or requesting repayment of allowances in relation to Members suspended under Part III of the Local Government Act 2000, in the circumstances indicated below:
 - i. The Standards Committee shall have the ability to withhold any part of a Member's basic allowance, special responsibility allowance, co-optees' allowance or travel and subsistence allowance payable for any period where, or in respect of duties from which, s/he is suspended or partially suspended under Part III of the Local Government Act 2000;
 - ii. The Standards Committee shall have the ability to require repayment of any allowance (or part thereof) already paid in respect of any period during which the Member concerned is suspended or partially suspended under Part III, ceases to be a Member of the authority or is in any other way not entitled to receive the allowance in respect of that period; and
 - iii. That the withholding of the specified allowances or the requirement to repay any allowance in the circumstances set out above should continue during any period of appeal by the Member concerned under Part III of the Local Government Act 2000 and associated legislation. In the event of any appeal being successful in removing the suspension or partial suspension, then any withheld or repaid amount may be reimbursed to the Member where appropriate.

WORK PROGRAMME FOR STANDARDS COMMITTEE - 2010

* standing items for each meeting

MEETING	ITEM	REPORT REQUIRED	ETHICAL AUDIT ACTION PLAN REFERENCE	COMMUNICATIONS STRATEGY ACTION PLAN REFERENCE	COMPLETED?
1 February 2010	Protocol for Officers' Gifts and Hospitality	Report to present draft Protocol for Members' consideration.			Report presented to meeting
	Dispensation Requests from County Committee for Hambleton	Report presenting requests for dispensations.			Report presented to meeting
	SFE Report "Assessing the Impact of Standards Committees"	Report presenting the SFE research report for Members' information.			Report presented to meeting
	Annual Assembly 2009	Oral report back from those who attended.			Oral report to meeting
	* Standards Bulletin	Report presenting draft Standards Bulletin for approval for circulation.			Report presented to meeting
	* Complaints and findings/guidance from Standards for England	Standing report in relation to complaints relevant to NYCC, recent findings and developments nationally.		Obj 5	Report presented to meeting
	* Work Programme for 2010	Setting out draft programme of work for 2010 for Members' approval. A standing report re review of			Report presented to meeting

MEETING	ITEM	REPORT REQUIRED	ETHICAL AUDIT ACTION PLAN REFERENCE	COMMUNICATIONS STRATEGY ACTION PLAN REFERENCE	COMPLETED?
		Work Programme set will be considered at each meeting.			
	TRAINING on rising of Committee – Standards for England DVD on Local Assessment				Copies of DVD passed to two Members remaining after Committee meeting.
5 February 2010 SPECIAL MEETING	Appointment of Independent Member	Standards Committee to decide on the interview panel's recommendations and determine its own recommendations to full Council regarding the appropriate candidates to be appointed.			Representations made to meeting
10 May 2010	LEADER TO BE INVITED TO ATTEND (ALONG WITH GROUP LEADERS)				
	Local Ethical Framework Developments	Report setting out any significant standards developments eg new Members' Code of Conduct (originally expected Autumn 09, for implementation May 2010) or Officers' Code of Conduct.			Report to be presented to meeting (but as part of Complaints & Findings report if no significant developments)
	Annual Report of Standards Committee	Report presenting draft Annual Report, of the Committee. Report to cover period 1 April 2009 to 31 March 2010. To be presented to meeting of County Council on 19 May 2010.			Report to be presented to meeting

MEETING	ITEM	REPORT REQUIRED	ETHICAL AUDIT ACTION PLAN REFERENCE	COMMUNICATIONS STRATEGY ACTION PLAN REFERENCE	COMPLETED?
	Standards for England Annual Return	Report presenting Annual Return made to Standards for England by Monitoring Officer.			Report to be presented to meeting
	Annual Review of Ethical Audit Action Plan	Report to review progress made in completing Action Plan items.			Report to be presented to meeting
	Committee's Communications Strategy	<p>Report to review progress made in completing items contained in action list.</p> <p>Report to cover whether it is an opportune time to publish a standards article in the NY Times.</p>			Report to be presented to meeting
	Appointment of Standards Committee Independent Member to Audit Committee	Report to cover appointment process re Standards Committee independent Member position on Audit Committee.			Report to be presented to meeting
	Protocol for Officers' Gifts and Hospitality	Report to review progress on development of the Protocol.			Report to be presented to meeting
	Appointment and Training of Independent Members	Update report re recruitment process for independent Member positions currently held by the Chair of the Committee and Ms Fleming and arrangements for induction training for new independent Members.			Report to be presented to meeting
	Training Plan 2010	Reviewing standards training planned/undertaken for the year.			Report to be presented to meeting

MEETING	ITEM	REPORT REQUIRED	ETHICAL AUDIT ACTION PLAN REFERENCE	COMMUNICATIONS STRATEGY ACTION PLAN REFERENCE	COMPLETED?
	Corporate Complaints and Compliments Report	Periodic report from Chief Executive's Unit.			Report to be presented to meeting
	<i>Members' Attendance at Committees (Deferred until September meeting)</i>	<i>Periodic report from Democratic Services Manager. The report should record the number of attendance of Councillors at meetings of the County Council and its Committees for the period 1 April 2009 to 31 March 2010.</i>			<i>Report to be presented to meeting</i>
	* Standards Bulletin	Standing report.			Report to be presented to meeting
	* Complaints and findings from the Standards Board	Standing report. To also request the Committee to consider whether it should be represented at the Annual Assembly 2010 and, if so, who should attend.		Obj 5	Report to be presented to meeting
	* Work Programme	Standing report.			Report to be presented to meeting
13 September 2010	CHIEF EXECUTIVE OFFICER TO BE INVITED TO ATTEND (if possible, given start date).				
	Local Ethical Framework Developments	Report setting out any significant standards developments eg new Members' Code of Conduct			Report to be presented to meeting (but as

MEETING	ITEM	REPORT REQUIRED	ETHICAL AUDIT ACTION PLAN REFERENCE	COMMUNICATIONS STRATEGY ACTION PLAN REFERENCE	COMPLETED?
		(originally expected Autumn 09, for implementation May 2010) or Officers' Code of Conduct.			part of Complaints & Findings report if no significant developments)
	Corporate Complaints and Compliments and Ethical Indicators Report	<p>Periodic report from Chief Executive's Unit.</p> <p>Report presenting statistical information.</p> <p>The ethical indicators' information to cover the period 1 April 2009 to 31 March 2010.</p>			Report to be presented to meeting
	Procedure for granting dispensations to officers to engage in political activities	Report from Monitoring Officer to present draft procedure for the Committee in dealing with such applications.			Report to be presented to meeting
	Members' Attendance at Committees <i>(deferred from May meeting)</i>	<p>Periodic report from Democratic Services Manager.</p> <p>The report should record the number of attendance of Councillors at meetings of the County Council and its Committees for the period 1 April 2009 to 31 March 2010.</p>			Report to be presented to meeting
	Officers' Code of Conduct and Registers of Interests and Gifts and Hospitality	Update report from Monitoring Officer as to progress.			Report to be presented to meeting
	E-learning package for Officers re standards	Update report from Monitoring Officer as to progress.			Report to be presented to meeting

MEETING	ITEM	REPORT REQUIRED	ETHICAL AUDIT ACTION PLAN REFERENCE	COMMUNICATIONS STRATEGY ACTION PLAN REFERENCE	COMPLETED?
	Citizens' Panel Questionnaire	Report from Monitoring Officer as to whether it is an appropriate time to repeat the survey.			Report to be presented to meeting
	Joint Standards Committees	Report from Monitoring Officer as to results of further consideration of opportunities for joint standards working.			Report to be presented to meeting
	Joint Standards Working	Report from Monitoring Officer as to opportunities to work with other authorities in the promotion of ethical standards.			Report to be presented to meeting
	Local Authority Partners' ethical obligations	Report from Monitoring Officer as to ways in which NYCC could ensure partners had appropriate ethical principles in place.			Report to be presented to meeting
	Review of Standards Information online	Report from Monitoring Officer as to the standards information and documentation currently published on the Council's website and intranet.			Report to be presented to meeting
	Use made of standards statements	Progress report of the use made of the various standards statements and ways in which the standards regime has been promoted generally by the Authority.			Report to be presented to meeting
	Use made of Dispensations Granted	Report setting out the use made of dispensations previously granted by the Committee.			Report to be presented to meeting

MEETING	ITEM	REPORT REQUIRED	ETHICAL AUDIT ACTION PLAN REFERENCE	COMMUNICATIONS STRATEGY ACTION PLAN REFERENCE	COMPLETED?
	* Standards Bulletin	Standing report.			Report to be presented to meeting
	* Complaints and findings from the Standards Board	Standing report.		Obj 5	Report to be presented to meeting
	* Work Programme	Standing report.			Report to be presented to meeting
8 November 2010	TRAINING				

Items to be reported back

- **Protocol for Officers' Gifts and Hospitality**
- **Officers' Code of Conduct and Registers of Interests and Gifts and Hospitality**
- **E- standards training course for officers**

- **New Standards Committee Member induction – when required**
- **Independent Member appointments – when required**
 - Ms Hilary Bainbridge: term of office to commence 19.5.10 until annual Council meeting in 2014.
 - Mr Henry Cronin: term of office ends 16.12.12
 - Mr James DGLISH: term of office ends 19.5.10
 - Mrs Hilary Gilbertson MBE: term of office to commence 1.3.10 until 28.2.14
 - Dr Janet Holt: term of office ends 2011

- **Use made of Dispensations Granted**
- **Review of Dispensations about to expire**

- **Standards Training Plan**
- **Promotional work undertaken**
 - Citizens' Panel Questionnaire – repeat exercise every few years and compare results.
 - Standards articles in NY Times
 - Publication of Standards Bulletin in Mey Messages
 - Use made of standards statements
 - Review standards information on website and intranet
- **Leader, Group Leaders and Chief Executive Officer to be invited to attend the first meeting of the Committee each year.**

Appendix 3

Annual Return 2010

NORTH YORKSHIRE COUNTY COUNCIL

This document is a list of the questions you will be asked in our 2010 Annual Return. The Annual Return will be an online form, accessible via our website. When we launch the online version you will be able to use the same login details that you use when accessing the quarterly return.

We have provided you with the questions early so that you can prepare in advance of the submission window, which will be either late March or early April 2010. An announcement containing the exact details of this will be made at a later date.

This will hopefully give you the opportunity to discuss the questions with your standards committee and other parties as necessary.

For those of you who completed last year's annual return, you will notice that only a handful of the questions are the same. We have made some significant changes to enable us to gather new information about how the local standards framework is functioning. There are 5 sections this year, communication, influence, training and support, investigations and a section only for authorities with parishes.

As with last year, the information you give us will feed into our Annual Review and we will be looking for items of notable practice to share with the standards community. We will once again be sharing your responses with the Audit Commission, to help inform their organisational "Use of Resources, Key Line of Enquiry" assessment.

When considering the questions, please refer to the guidance notes, as they will give you more details about the question and how to answer it.

If you are unsure about anything in this document, please contact our monitoring team on 0161 817 5300 or by emailing authorityreturns@standardsforengland.gov.uk.

PART 1: COMMUNICATION

The main roles of a standards committee are:

- to promote and maintain high standards of conduct by members
- to assist members in observing the Code of Conduct.

Your responses to this section will help us to collect examples of the different ways that standards committees communicate messages about ethical standards, both within the authority and to the wider public.

Annual Report

1) Does the standards committee produce an annual report?

YES

2) What does the report contain?

- A personal statement by the standards committee chairman
- √ Information about the members of the standards committee
- √ The role of the standards committee
- √ The standards committee terms of reference
- Information about the Code of Conduct
- √ Statistical information about complaints that have been received
- Information about the length of time taken dealing with complaints
- A summary of complaints which have led to investigation, sanction or other action
- √ Details about training/events provided
- The forward work plan of the standards committee
- √ Other (*You will be asked for more details if selected*)

The Council's Statement on Ethical Standards; an account of the activities and work of the Standards Committee additional to the matters referred to above including the further development of the local ethical regime, the Committee's Communications Strategy, responding to consultation, dispensations, monitoring of corporate complaints and other Standards Committee agreed indicators which show the 'ethical health' of the authority, review of standards developments, networking groups involving independent members, the Chairman of the Committee and the Monitoring Officer, the Annual Assembly, future anticipated work for the Committee.

Whilst the report does not include a statement from the Chairman of the Committee, he does in fact make a verbal statement at the County Council meeting when presenting the report.

Note the Council did not include a summary of complaints that led to investigation as at that stage it did not have any.

3) How is the standards committee annual report circulated?

Note: If your return is not on the website please forward a copy to us. See the guidance notes for details.

√ **Sent to all senior officers**

√ **Sent to all members**

- Sent to parish/town councils (This is only displayed if your authority is applicable)
- Available on the authority intranet

√ **Available as a specific item on the authority website (You will be asked for the website address if selected)**

<http://www.northyorks.gov.uk/CHttpHandler.ashx?id=7659&p=0>

√ **Available in the standards committee papers published on the authority website (You will be asked for the website address if selected)**

https://www3.northyorks.gov.uk/n3cabinet_comm/standards_/reports_/20090518_/04annualreporto/04annualreporto.pdf

√ **Included as a full authority meeting agenda item**

- Publicised in local newspaper / press release
- Distributed to households
- Available at authority offices
- Not circulated outside of the standards committee
- Other (You will be asked for more details if selected)

Publicising Complaints

4) How can the public access information about how to make a complaint against a member?

- Through a 'compliments and complaints' type section of the council website (You will be asked for the website address if selected)

√ **Through the standards committee section of the website (You will be asked for the website address if selected)**

<http://www.northyorks.gov.uk/index.aspx?articleid=11139>

√ **Complaints leaflets available from the authority**

√ **Included as part of a council newsletter**

- Advertised through parish councils
- Information is not available to the public
- Other (You will be asked for more details if selected)

Where appropriate, and publication timescales permit, refresher articles about the Code and standards complaint regime are included in the Council's own newspaper, NY Times. Several such articles have been published since 2007/2008. The last article appeared in the November 2009 edition of NY Times.

Another article will be published when there are any developments within the regime to report e.g. introduction of new Code of Conduct, to ensure a proportionate approach on standards issues in an authority with a low level of complaints.

5) How can the public access information about the outcome of initial assessment decisions?

√ **Written summary available for public inspection**

- Press release issued for all initial assessment decisions
- Press release issued only if the subject member agrees
- Assessment decisions published on the authority website
- Articles published in the authority newsletter

√ **Other** (You will be asked for more details if selected)

Limited, anonymised and factual information about any complaints received or progressing, and the action taken in relation to them, is reported to the full Standards Committee at each meeting via its standing 'Complaints and Findings' report.

6) How can the public access information about the outcome of investigations?

√ **Hearings are open to the public**

- Press release issued for all investigation outcomes

√ **Press release issued only if the subject member agrees**

- Published on the authority website

√ **Decision notices are available for public inspection**

- Articles in the authority newsletter

√ **Other** (You will be asked for more details if selected)

We assume you refer to the outcome of hearings following investigations? North Yorkshire has only held one hearing which was not actually held in public because of the subject matter. In each case the Committee will decide whether it is appropriate to conduct the hearing in public – with an emphasis on transparency if possible. If there is a finding of no breach of the Code, a press release will not be published if the subject member so requests.

Limited, anonymised and factual information about the outcome of complaints determined is reported to the full Standards Committee at each meeting via its standing 'Complaints and Findings' report.

7) Do you have a mechanism in place for measuring the satisfaction of all those involved in allegations of misconduct? For example the member, complainant and witnesses.

NO. But a questionnaire is in the course of being finalised and will be presented to the Standards Committee at its May 2010 meeting for adoption.

8) If yes, please can you describe the process?

Open question

Communicating the role and work of the standards committee and standards generally

9) What does the authority do to promote the work of the standards committee and standards generally to the rest of the authority (i.e. internally)?

- √ **Dedicated standards committee pages on intranet**
- √ **Standards committee has its own newsletter / bulletin**
- √ **Standards committee issues briefing notes**
- √ **Articles in employee newsletter / bulletin**
- Standards committee independent members **observe** other authority meetings
- √ **Standards committee independent members contribute to other authority meetings** (*a box will appear to ask for further details about what kind of contribution*)

An Independent member of the Standards Committee is also a co-opted Member of the Audit Committee. The Chairman of the Standards Committee addresses full council in presenting the Committee's Annual Report.

- √ **Other** (*you will be asked for more details if selected*)

As part of their induction after appointment, Standards Committee Independent Members are given the opportunity to observe other Authority meetings e.g. full Council, Executive, Planning and Regulatory Functions Committee. The Committee is informed that this option is available to any Standards Committee member at any time, by contacting the Clerk to the Committee.

10) How can the public access information about your standards committee?

- √ **Dedicated standards committee section on the authority website** (*you will be asked for the website address if selected*)
<http://www.northyorks.gov.uk/index.aspx?articleid=11139>
- Within 'council and democracy' type section of website (*you will be asked for the website address if selected*)
- Ethical standards issues have been included in the local press / media
- √ **Standards committee minutes, agendas, and reports are available to the public**

- Leaflets and/or posters are placed in public buildings
- √ **Places articles in the authority newsletter / bulletin / other publication**
- √ **Standards committee meetings are observed by members of the public**
- Information is not available to the public
- Other (*you will be asked for more details if selected*)

11) What else does the authority do to promote the work of the standards committee and standards generally to the public and other partners?

The Council's stance on ethical standards is included in the contracting process. Consideration is also currently being given to further ways the standards of behaviour expected of all those working in partnership with the authority can be incorporated within the Council's partnership governance documentation and processes.

PART 2: INFLUENCE

A key factor in creating a strong ethical framework in authorities is clear ethical leadership from leaders and chief executives, setting the tone for the rest of the organisation.

Your responses to this section will help us to understand how closely your standards committee works with political and officer leadership in the authority, and the ways in which the leadership encourages strong ethical standards.

12) How does the standards committee communicate ethical issues to the senior figures within your authority (for example the Chief Executive and Leader of the Authority, Party Leaders)?

- √ **Formal meetings between standards committee members and senior figures specifically set up to discuss standards**
- √ **Informal discussion on particular standards issues**
- √ **Senior figure attendance at standards committee meetings**
- √ **Monitoring Officer is a member of or attends Corporate Management Team (or equivalent) meetings**
- Executive or senior member has portfolio responsibility for standards
- √ **Chair (or other standards committee member) addresses full authority meeting(s)**
- √ **Other (*you will be asked for more details if selected*)**

Ethical standards statements have been agreed by the Council's Leader, Chief Executive and for senior managers. There is also a Protocol defining the roles of the Chief Executive and the Leader in relation to the ethical framework. These documents are published on the Council's website.

As part of the authority's current review of the Constitution, amendments will be recommended to Executive and Council that standards and ethics are

specifically referred to in the portfolio of the Portfolio Holder for Corporate Affairs.

13) How do the senior figures in your authority demonstrate strong ethical values?

- √ **Through a strongly promoted whistle-blowing policy**
- √ **By ensuring there are references to ethics in the authority vision / objectives**
- √ **Demonstrating appropriate behaviours**
- √ **Senior figure(s) makes personal commitment to standards in statements to public/employees**
- *Other (you will be asked for more details if selected)*

14) Does your authority have a protocol for partnership working that outlines the standards of behaviour expected of all those working in partnership?

NO – Consideration is also currently being given to further ways the standards of behaviour expected of all those working in partnership with the authority can be incorporated within the Council's partnership governance documentation and processes.

15) What mechanisms does the authority use for dealing with member/officer and/or member/member disputes?

- √ **Informal discussion/mediation**
- √ **Monitoring Officer mediation**
 - Chair of standards committee mediation
- √ **Senior figure mediation (e.g. Chief Executive)**
 - Advice from Human Resources department
 - Solicitor / legal adviser consulted
 - Informal hearing
 - No mechanisms other than normal complaints process
- √ **Other (you will be asked for more details if selected)**

The Council has an agreed Protocol on Officer/Member Relationships.

PART 3: TRAINING AND SUPPORT

A specific function of a standards committee is to train members on The Code of Conduct, or arrange for such training. A standards committee can also arrange training on the local standards framework. Your responses to this section will help us to form a view about what the most common topics and methods of training are so that we can share them with the rest of the standards community.

16) Between 1 April 2009 and 31 March 2010, has the authority assessed the training and development needs of authority members in relation to their responsibilities on standards of conduct?

YES If yes, go to q18. If no, go to q17

17) If no, please give your reasons why?

Open question. Go to q19

18) If yes, what needs were identified?

- √ Introduction to the Code of Conduct
- √ Elements of the Code of Conduct
- √ The role and responsibilities of the standards committee
- √ Ethical governance/behaviour
- None

19) What training/support was provided during the period 1 April 2009 to 31 March 2010?

- √ Introduction to the Code of Conduct
- √ Elements of the Code of Conduct
- √ Role and responsibilities of the standards committee
- √ Ethical governance/behaviour
- √ Other (You will be asked for more details if selected)
- None (go to q25)

Decision making, bias, predetermination.

20) Who received training/support?

- √ Standards committee chair
- √ Independent members
- √ Other standards committee members
- √ All authority members
- √ Specific authority members with particular needs (e.g. new members, planning committee members)
- √ Other (you will be asked for more details if selected)

Co-opted members are usually invited to standards training sessions for all authority members.

One to one training provided to a Member following the imposition of a sanction.

21) What methods were employed to give training/support?

- √ **Internal training (presentations/seminars/workshops)**
 - External trainer/speaker
- √ **One on one training**
 - Joint/regional training event
 - Online learning
- √ **Guidance notes/briefing materials**
- √ **Standards for England materials**
 - Ethical governance toolkit
- √ **Other** (*you will be asked for more details if selected*)

Circulation of Standards Committee Bulletin

22) In which areas of the Code of Conduct has training/support been provided?
(*Only displayed if 'elements of the Code of Conduct' is selected at q19*)

- √ **Respect**
- √ **Personal/Prejudicial Interests**
- √ **Use of resources**
- √ **Bullying**
- √ **Disrepute**
- √ **Predisposition, Pre-determination and bias**
- √ **Equality**
- √ **Confidentiality**

Other (you will be asked for more details if selected)

23) What other training/support has been provided on areas of an authority member's role or activities they may engage in?

- Chairing skills
- √ **Lobbying**
- √ **Predetermination, Predisposition and bias**
 - Blogging and/or the use of social media
- √ **Electioneering**
- √ **Freedom of Information (FOI)**
- √ **Other** (*you will be asked for more details if selected*)
 - None

New legislation; how the Council works; various topical issues covered in monthly member seminars

24) In general, how well attending was the training provided?

- √ 75% Standards Committee members
- √ 50-75% or more attended induction training following the 2009 local elections
- √ 25-50 attend regular seminars on various topics and other ad hoc standards training
- 0-25%%

25) Please give a brief overview of how standards issues are covered in your induction process for new members of the authority?

The induction process covered the Code of Conduct, the Standards Committee, its role and processes, decision making and issues such as predetermination and bias. The Chairman of the Standards Committee participated in delivering the training to raise the profile of the Committee and emphasise the importance of ethical standards within the Council.

26) In which areas of the role and responsibilities of the standards committee has training/support been provided for standards committee members? Please tick all that apply. (Only displayed if 'role and responsibilities of the standards committee' is selected at q19)

- √ Initial assessments
- √ Other action/mediation
- √ Reviews
- √ Investigations
- √ Hearings
- √ Sanctions
- Other (you will be asked for more details if selected)

PART 4: INVESTIGATIONS

27) How many investigations have been conducted during the period 1 April 2009 – 31 March 2010?

One

If the answer is '0', go to q33 (only if your authority is parished). If you do not have parished you will have completed the questions.

If the answer is '1' or more go to q28

28) Of the investigations completed during the period, for how many have external investigators been used?

NOTE: This includes employees of other authorities

None

29) Overall, what was your principle reason for out-sourcing the investigation(s)? (*Only appears the number given in question 28 is more than 0*)

- Impartiality
- Lack of staff resources
- To complete the investigation sooner
- Skills required
- Cost
- Other (*you will be asked for more details if selected*)

30) What type of external investigator(s) did you use?

- Employee of another authority
- Self-employed investigator
- Private law firm
- Other (*you will be asked for more details if selected*)

31) For the period 1 April 2009 to 31 March 2010, what was the approximate total cost of fees paid to the external investigator(s)?

Open question (for an amount)

32) Please provide a brief overview of the processes you have in place to ensure the quality of local investigations.

The team of officers working on standards is organised so that one person can concentrate on investigations and build up skills. The Council's process is based on the Local Standards Framework and is followed very closely. The team also works closely together to resolve issues without prejudicing the integrity of the investigation or causing conflicts to arise.