

The Report of the Standards Committee

Your Committee met on 16 January 2012. Present:- Mr Henry Cronin in the Chair. County Councillors Philip Barrett, J W Marshall, Peter Popple, Peter Sowray and Geoff Webber. Independent Members Hilary Bainbridge and Hilary Gilbertson.

1. Local Ethical Framework Developments. The Localism Act 2011 abolishes the current standards regime and makes provision for a new framework. Latest information from the Government is that the date for implementation of the changes to the regime is likely to be 1 July 2012.

In relation to the ethical framework, the Act abolishes Standards for England and clarifies the rules on predetermination. It also:-

- creates a statutory duty on relevant authorities to 'promote and maintain high standards of conduct' by members and voting co-opted members;
- removes the requirement for authorities to have standards committees;
- revokes the statutory General Principles of conduct;
- requires a relevant authority to adopt a code (consistent with the Nolan principles) dealing with the conduct that is expected of members and voting co-opted members of the authority when they are acting in that official capacity (not conduct in private life);
- removes the requirement for Members to sign an undertaking to comply with the Code of Conduct;
- requires the monitoring officer to establish and maintain a Register of Interests of members and co-opted members, which must be available for public inspection and published on the Authority's website;
- provides for an interests and dispensations regime, the main detail of which is to be set out in future regulations;
- provides that failure to comply with the interests' requirements without reasonable excuse will constitute a criminal offence, punishable by a fine of up to £5,000. The court may also order the disqualification of the person from being a member/co-opted member of a relevant authority (the authority in question or any other relevant authority) for up to five years;
- requires the authority to have in place: (a) arrangements under which allegations of a breach of the Code can be investigated; and (b) arrangements under which decisions on allegations can be made, such arrangements to include provision for the appointment by the authority of at least one independent person.

Your Committee has considered changes which can, at this stage, be addressed, in particular in relation to the following:- duty to promote and maintain high standards of conduct; establishment of a non-statutory Standards Committee; adoption of a new/revised Members' Code of Conduct; a Register of Members' Interests; local standards arrangements; and provisions relating to the granting of dispensations.

Your Committee submits the recommendations set out below for the County Council's determination. Your Committee has also provided guidance to the Monitoring Officer on various detailed issues which will be the subject of report to the Committee's next meeting and recommendations to the meeting of the County Council to be held on 16 May 2012.

The Standards Committee RECOMMENDS:

- (a) That the Authority's duty to promote and maintain high standards of conduct be discharged as listed below and from time to time in such other ways as the Monitoring Officer, in consultation with any Standards Committee established by the Authority, may deem appropriate:-
 - (i) Appoint a non-statutory Standards Committee.
 - (ii) Adopt new/revise existing, ethical statements.
 - (iii) Continue to promote ethical issues through planned and monitored Member training, including Member induction training.
 - (iv) Continue to produce Standards Bulletins.
 - (v) Continue to monitor wider policies, protocols and indicators which point to the ethical health of the Authority.
 - (vi) Use of the Authority's website to promote the standards regime ultimately put in place.
 - (vii) Publicity when the new/revised Code and supporting standards regime is established by the Authority and from time to time as appropriate.
- (b) That a non-statutory Standards Committee be appointed and that further work be undertaken by the Monitoring Officer in consultation with the Standards Committee regarding an appropriate composition and appropriate terms of reference for the new Committee to be approved by full Council.
- (c) That the Authority publicise its adoption/revision of the Code on the Authority's website and Intranet and in any other ways the Standards Committee deems appropriate.
- (d) That all functions in respect of the publication of Standards Committee independent person vacancies be delegated to the Standards Committee and that the Committee then delegates such functions to the Monitoring Officer in consultation with the Chair of the Committee.

- (e) That the power to assist in the recruitment of Standards Committee independent persons (but not to approve individual appointments) be delegated to the Standards Committee.
- (f) That the Monitoring Officer advertise vacancies for the appointment of three Independent Persons.
- (g) That the Monitoring Officer be designated as Proper Officer to receive written requests for a dispensation by Members and co-opted Members.
- (h) That the power to grant dispensations to Members and co-opted Members be delegated to the Standards Committee, after consultation with the Independent Person.

HENRY CRONIN
Chairman

County Hall,
NORTHALLERTON.

7 February 2012