

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

1 October 2007

Complaints and findings/guidance from the Standards Board

0.0 PURPOSE OF REPORT

- 1.1 To update Members on the development of the ethical agenda and any complaints received about County Councillors.

2.0 BACKGROUND

2.1 Members of the Standards Committee previously agreed it would be helpful to have a standing item on each agenda, setting out developments in relation to the ethical framework and any complaints received or pending against Members of the County Council. This is to ensure that Members are up to date with developments and aware of the type of issues that are being raised.

3.0 DEVELOPMENTS

Code of Conduct DVD released

3.1 The Standards Board's training DVD on the new Code of Conduct, 'The Code Uncovered', was released at the beginning of September. This is the subject of a separate report to the Committee. Clips from the DVD can also be downloaded from the Training Resources section of the Board's website (www.standardsboard.gov.uk).

Standards Board Occasional Paper

3.2 On 23 August 2007, the Standards Board published an Occasional Paper (attached as Appendix 1) to help clarify the issues of predetermination and bias. Although they are common law issues and do not form part of the Code of Conduct, they are areas which have proved to be difficult and controversial for many Members and monitoring officers.

3.3 The Paper is based on Advice from leading treasury counsel Philip Sales QC and aims to clarify the issues involved. It explains the kinds of circumstances in which Members are predisposed, and so can take part in a debate and vote, and where they are predetermined, and could put the validity of a decision at risk by participating in a particular matter.

3.4 Although there is no new information in the Paper, it is helpful to have it collated and reiterated in one document.

3.5 The Occasional Paper and the full Advice from Philip Sales QC can be downloaded from the "Publications" section of the Board's website.

4.0 COMPLAINTS RECEIVED

- 3.1 The Monitoring Officer periodically receives notification from the Standards Board of complaints that have been referred to them in relation to the Code of Conduct.

- 3.2 During the period since the last meeting of the Committee, the Monitoring Officer received notification from the Standards Board of two complaints made against County Councillors.
- 3.3 The first complaint alleged that the County Councillor concerned had, by virtue of his/her stated reasoning for voting in a particular way on a particular issue, and by virtue of his/her reported admission of being untruthful at a meeting, brought his/her office into disrepute. The Standards Board did not refer the complaint for investigation, on the basis that Members were entitled to vote as they wished and that the matter was not sufficiently serious to warrant a public investigation.
- 3.4 The other complaint, against another County Councillor, related to an alleged failure to amend their registration of interests form within the required timescale. The Standards Board decided not to refer the complaint for investigation as the registration of interests form had subsequently been amended and, in all the circumstances, the alleged conduct would not be serious enough to justify an investigation.

5.0 OTHER COMPLAINT MATTERS

- 4.1 There are no other complaints issues to bring to Members' attention.

6.0 RECOMMENDATIONS

- 5.1 Members are requested to note the contents of this report.

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Monitoring Officer

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Background Documents:
None

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