

# NORTH YORKSHIRE COUNTY COUNCIL

## STANDARDS COMMITTEE

14 January 2008

### **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**

##### **Annual Assembly of Standards Committees 2008**

3.1 The Seventh Annual Assembly of Standards Committees will take place at the ICC in Birmingham on 13-14 October 2008.

3.2 Further information about the Assembly will be available soon, however the Standards Board is accepting registrations of interest for the event in the meantime.

3.3 Places at the Assembly are booked up very quickly, therefore Members are requested to consider whether the Standards Committee should be represented at the Assembly and, if so, who should attend.

##### **Local Government and Public Involvement in Health Act 2007**

3.4 The Local Government and Public Involvement in Health Act 2007 became law on 30 October 2007. The Act amends certain parts of the Local Government Act 2000, which will, in the future, have an effect on the ethical framework, for example through:

- local receipt and filtering of complaints by Standards Committees;
- most complaints being investigated and determined locally by Standards Committees;
- the application of the Code to cover some conduct in a private capacity, where this has led to a criminal conviction (to cover the situation brought about by the Livingstone case);
- the Standards Board becoming a "light touch" regulator, providing supervision, support and guidance for local authorities. The Standards Board will also aim to ensure some degree of consistency in the application of the Code.

3.5 The Act also creates a new role for Standards Committees to enable them to grant dispensations for staff to engage in political activities.

3.5.1 Restrictions on political activities by certain local government staff were introduced under the Local Government and Housing Act 1989, which provided for the appointment of an independent adjudicator to grant dispensations for staff to engage in certain political activities.

3.5.2 Under the 2007 Act, the role of independent adjudicator will be abolished and the duties transferred to local standards committees. The duties are:

- to consider applications from local authority employees for exemption from political restriction in respect of their posts;
- where appropriate, to issue directions requiring a local authority to include a post in the list of politically restricted posts it maintains;
- to give general advice, following consultation with appropriate parties, on the application of criteria for designation of a politically restricted post.

3.5.3 The timing of this transfer of functions from the independent adjudicator is a government matter, but the Standards Board has urged authorities to ensure that their standards committees are made aware of the change. The Board expects the Department for Communities and Local Government to issue guidance on this in the future.

3.6 The parts of the 2007 Act which will bring about these changes to the ethical framework are not yet in force. At this stage, it is anticipated they will be brought into force in April 2008. Members will be kept updated.

3.7 An item on the 2007 Act was included in the latest Standards Bulletin, which was circulated to all Members and co-opted Members and Corporate Directors within the Authority in December 2007.

#### **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 three complaints made against County Councillors. None of the complaints were referred for investigation.

3.3 The first complaint alleged that the County Councillor concerned had breached the Code by (1) failing to explain the non-attendance of certain representatives at a committee meeting of which s/he was chair and also (2) by virtue of his/her other comments at the meeting. The Standards Board did not refer the complaint for investigation, on the basis that the first issue did not give rise to a breach of the Code and the second was not sufficiently serious to warrant a public investigation.

3.4 The second complaint related to alleged incidents that did not relate to the Councillor's official duties. The Board therefore considered that the Code of Conduct did not apply and no breach of the Code was disclosed.

4.5 The third complaint alleged misconduct by a County Councillor in relation to a particular statutory process that the Council was undertaking. The Standards Board considered that the information by provided by the complainant was insufficient to enable it to make a decision as to whether or not the complaint should be referred for investigation.

4.6 The Standards Board has also informed the Monitoring Officer of the outcome of a pending complaint against a County Councillor, acting in their capacity as a (then) parish councillor. The Councillor was found to have breached the Code by failing to disclose a personal interest and failing to declare a prejudicial interest at, and withdraw from, certain parish council meetings. The Ethical Standards Officer found that no action needed to be taken, however, as the Councillor had properly registered his/her interests, had acted in good faith, did not personally benefit by the failure to declare the interest and was no longer a parish council member.

## **5.0 OTHER COMPLAINT MATTERS**

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

## **6.0 RECOMMENDATIONS**

5.1 That Members note the contents of this report.

5.2 That Members consider whether the Standards Committee should be represented at the next Annual Assembly of Standards Committees on 13-14 October 2008 and, if so, that Members determine who should attend.

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Background Documents:  
Standards Board Bulletin Number 36

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