

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

2 June 2008

Annual Report of the Standards Committee

1.0 PURPOSE OF THE REPORT

- 1.1 To present Members with the draft annual report of the work of the Standards Committee.

2.0 BACKGROUND

- 2.1 The Standards Committee presents an annual report about its work to the full Council. It is good practice to apprise the Authority of the work of the Committee, as it assists in raising the profile and awareness of the Committee and ethical standards generally. A draft report for the period June 2007 to May 2008 is attached for Members' consideration and approval at Appendix 1. The report, if approved by the Committee, will be presented to the next meeting of the Council on 23 July 2008

3.0 RECOMMENDATION

- 3.1 The Committee is asked to approve the draft annual report for presentation to the next meeting of the North Yorkshire County Council.

CAROLE DUNN
Monitoring Officer

Background Documents:

The minutes of the meetings of the Standards Committee
Standards Board Bulletins

20 May 2008

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 June 2007 to 31 May 2008.

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 June 2007 to 31 May 2008.

3.0 WORK UNDERTAKEN

- 3.1 The work undertaken by the Standards Committee between the period 1 June 2007 to 31 May 2008 is set out below:
- 3.2 During this period the Committee met on 4 June 2007, 1 October 2007, 14 January 2008, and 3 March 2008,. The work undertaken is as follows:
- (a) Changes to the Ethical Regime: The main item of work undertaken by the Committee this year has related to the embedding of the new Code of Conduct which was agreed by the Council in 2007 based on the Model Code. This has involved the Committee in delivering training to Members, and in the additional dissemination of information to Members to ensure awareness of the changes that the new code has brought. In addition to this, the Committee is currently in the course of implementing the changes brought about by the Standards Committee (England) Regulations 2008, which introduce the local filtering 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. This has presented a challenging time table of activity, with the Regulations being issued and brought into force in early May, with an almost immediate implementation date. The Regulations are likely to affect the size of the Standards Committee which will now carry out the functions of receiving and considering Code of Conduct complaints in the first

instance and deciding whether they need to be investigated, dealing with requests for reviews of a decision not to refer for investigation, as well as hearing and determining complaints. The Committee is currently considering the implications of the new legislation and determining the new frameworks that need to be put in place to enable it to undertake its new role.

- (b) Communications Strategy: Following the work undertaken on the ethical audit it was recognised that there is a need to raise public awareness of the ethical regime to which the Council and its members are subject. The thrust of the current ethical framework aims to raise public confidence in councillors and council officers. To assist this process, the Standards Committee has agreed a Communications Strategy. As part of the Strategy, the Committee arranged for an informative article on ethical standards within the Council to be published in the NY Times in July, followed by a Citizen's Panel Questionnaire on public awareness in August. The outcome showed that the public consider that high ethical standards in the conduct of public affairs is very important, though awareness of the regime within the Council and the Code of Conduct showed that there is a need for further work in this area. The further actions in the Communications Strategy will assist in raising the profile of standards over time.
- (c) Council Statements on Ethical Standards: It is important that the Council should give clear a clear message about its stance in relation to ethical standards. To that end, statements regarding the Council's position on the ethical agenda for the Council's leadership, the Council itself, senior managers, and for stakeholders were considered by the Committee during the year and subsequently endorsed by the Council. The various statements can be used in publicity and in engagement with the public and other stakeholders to reaffirm the standards to be observed by the Council, its officers members and those with whom it works in partnership.
- (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. The Committee continues to implement and monitor the Action Plan.
- (e) Review of Employee Code of Conduct: : The Committee considered revisions to Council's current Employee Code which needed updating since its last review in 1998. It is recognised that the Code will have to be revisited when the Model Code of Conduct is finally issued, but it was considered worthwhile to review the document to ensure that it is fit for purpose in the interim. The latest draft incorporates the principles in the draft model Code. Work is currently progressing towards its implementation.
- (f) Review of Protocol for Member/Officer Relations: The Committee undertook a review of the Protocol which provides commonsense guidance to members and officers to support them in working together. Amendments were made to reflect the new duties upon member in the Code of Conduct in relation to the handling of confidential information, and the rules as to local authority publicity, but that apart the Protocol remains current and relevant.
- (g) Training: Members of the Standards Committee participated in the delivery of training to members on the new Code of Conduct, which was delivered in May 2007, and February 2008. Standards Committee members received further training in relation to the role of the Committee in November 2007. Whilst overall over half of members have attended the training on the new Code, attendance

and making sure that all receive the training they need remains an issue. Training is also to be arranged in the near future for officers on ethical standards.

- (h) Dispensations: The Standards Committee dealt with applications for dispensation from 29 County Council members to enable them to speak vote and be included in the quorum at meetings of area committees when determining applications for Community Fund allocation from District Council upon which they are also members. This falls within the powers of the Committee in a situation like this where the Area Committees would otherwise have been inquorate.
- (i) 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, 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 and its governance arrangements.
- (j) Policy Links: In terms of demonstrating that the Council is upholding high standards of ethics and probity, its policies should reflect and be linked to the standards of conduct that are expected of members and employees. The Audit Commission in their key lines of enquiry refer to the Code of Conduct being integrated into Council policies. The Committee considered and agreed proposals for references to the Code being integrated within the Equalities, Data Protection and Freedom of Information policies.
- (k) 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 four complaints relating to County Council members referred to the SBE during the relevant period. None was considered by the SBE to merit investigation. 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.
- (l) Review of Standards Developments: 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. Of particular note is detailed guidance received from the Standards Board in August which gave helpful clarification in relation to Predisposition, Predetermination, Bias and the Code of Conduct, which are often confused. The Standards Board issued further in depth guidance in the Case Review 2007 on the new Code of Conduct and its practical application.
- (m) Guidance for Members Serving on outside Bodies: The Ethical Audit Action Plan identified a need to review the guidance available to Members and Officers of the Council in relation to their participation on Outside Bodies. The Guidance was redrafted during the course of the year, and subsequently recommended for agreement by the Council by the Council.
- (n) Independent Members Forum and Monitoring Officer/Standards Chair's Group: The independent members of the Standards Committee have participated in two meetings of the Independent Member's Forum, a regional group to enable networking and the sharing of views and information by the Independent members of the Standards Committees for authorities in the region. Additionally the Chairman of the Standards Committee and the Monitoring Officer have

attended the Northern Secretaries Standards Group which affords similar opportunities for information sharing.

- (o) Sixth Annual Assembly: Members of the Committee and the Monitoring Officer attended the Six Annual Assembly of Standards Committees in October 2007. The main thrust of the Assembly dealt with the changes to the ethical regime, and particularly the local filtering of complaints.

4.0 FUTURE WORK

- 4.1 It is anticipated that the Committee will be involved in the further implementation of the local filtering and handling of complaints.
- 4.2 It has been reported previously that the formation of joint Standards Committees to deal with several authorities is being contemplated nationally. This has now been embodied, but not yet brought into effect, by the Local Government and Public Involvement in Health Act 2007. 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. There are opportunities to examine whether there is any way in which operations between authorities can be rationalised to avoid duplication of effort.
- 4.3 Standards Committees will in future to be monitored for their effectiveness in terms of maintaining high ethical standards. With effect from July, three monthly returns are to be made to the Standards Board in relation to the activities of the Standards Committee related to the local handling of complaints.

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

23 July 2008

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.