

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

2 February 2009

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 Members of the Authority.

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 Authority. 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

Local Ethical Framework

3.1 Most parts of the new local ethical framework are now in place, along with the supporting legislation and Guidance.

3.2 The required legislation to bring in the remaining parts of the local regime (application of the Code to some private conduct by Members, and joint standards committees) is not yet in force, although the extension of the scope of the Code beyond purely official capacity was the subject of the Government consultation on new Codes of Conduct for Members and Officers (to which the Authority has responded) at the end of last year.

3.3 The Government has previously stated that it intends to complete its reform of the standards framework in early 2009 by making further regulations, following consultation, to allow authorities to establish joint standards committees. These Regulations will also enable the Standards Board to suspend a standards committee's powers to assess Code of Conduct allegations in certain circumstances where it considers this to be in the public interest.

3.4 The Standards Board also intends to revise the existing Standards Committee dispensation regulations.

3.5 Members will be kept informed of developments.

The Case Tribunals (England) Regulations 2008

3.6 The above Regulations came into force on 12 December 2008 and complement the Standards Committee (England) Regulations 2008.

3.7 These new Regulations make provision about the sanctions available to a case tribunal of the Adjudication Panel for England. Under the Regulations, case tribunals will have the power to censure a Member, require them to apologise, attend training, or enter into a process of conciliation (powers currently only available to local standards committees).

3.8 These sanctions will allow case tribunals to deal proportionately with cases referred to them, for example, because they are seen as very serious, but which the tribunals conclude are not so serious; and to deal appropriately with cases referred to them because a standards committee is conflicted out.

3.9 The Regulations are available from www.opsi.gov.uk.

3.10 Members will be kept informed of developments in these areas.

Annual Assembly 2009

3.11 The Eighth Annual Assembly of Standards Committees will take place on 12 and 13 October 2009 at the ICC in Birmingham. Members are requested to consider whether the Committee should be represented at the Assembly and, if so, who should attend.

4.0 COMPLAINTS RECEIVED

3.1 During the period since the last meeting of the Committee, the Monitoring Officer has received one new complaint, against three Members of the Authority, that they may have breached the Code of Conduct.

3.2 The complaint has been referred to the Committee's Complaint Assessment Sub-Committee for assessment. The Sub-Committee is due to meet to assess the complaint on 2 February 2009, on the rising of the full Committee.

5.0 OTHER COMPLAINT MATTERS

Standards Board Monitoring

4.1 As a national regulator responsible for monitoring and promoting ethical standards the Standards Board monitors local ethical framework arrangements via an online information return system. Returns are made by authorities on a quarterly basis. The Monitoring Officer has submitted nil returns for the Authority for the reporting quarters April to June, July to September and October to December 2008.

6.0 RECOMMENDATIONS

5.1 That Members note the contents of this report.

5.2 That Members determine whether the Committee should be represented at the Eighth Annual Assembly of Standards Committees and, if so, who should attend.

CAROLE DUNN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Documents:

Standards Board for England website at www.standardsboard.gov.uk

County Hall
NORTHALLERTON

21 January 2009