

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

18 May 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**

**Draft Standards Committee (Further Provisions) Regulations 2009**

3.1 Members have previously been informed that the Government intended to make regulations to revise the existing Standards Committee dispensation regulations, to allow authorities to establish joint standards committees, and to 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.

3.2 The Standards Board has announced that the above draft Regulations are being prepared which will address the issues mentioned in paragraph 3.1 above. It expects the new Regulations to come into force in May 2009.

3.3 Members will be kept informed of developments.

**SBE Guidance on 'Other Action' by Monitoring Officers**

3.4 One of the options open to a standards committee in assessing a complaint that a Member may have breached the Code of Conduct, is to refer the complaint to the Monitoring Officer for 'other action'. This means action other than investigation for example, training, conciliation or anything else that appears appropriate (eg instituting changes to Authority procedures if they have given rise to the complaint).

3.5 The purpose of 'other action' is not to find out whether the Member breached the Code; the decision is made as an alternative to investigation.

3.6 In response to a number of queries, the Standards Board is producing further guidance on 'other action' in order to clarify what it is, what it can involve, when it is appropriate, and what to do if it does not prove to be successful. The Guidance will address the role of the monitoring officer, adjournment of assessment sub-committee meetings, and explains why 'other action' closes the opportunity to investigate.

3.7 The Board intends to publish this guidance on its website ([www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)) in May. Copies will be sent to Members of the Committee once the Guidance is available.

#### **4.0 COMPLAINTS RECEIVED**

##### **New complaints**

3.1 During the period since the last meeting of the Committee, the Monitoring Officer has received one new complaint against a County Councillor that they may have breached the Code. At the time of writing this report, the Monitoring Officer is liaising with colleagues regarding convening a meeting of the Complaints Assessment Sub-Committee to assess the complaint.

##### **Previous complaints**

3.2 The three complaints made in January 2009, arising from the same set of circumstances, have now been dealt with. The complaints were assessed by the Complaint Assessment Sub-Committee, which found that no action should be taken. The complainant requested a review of the decision. The Complaint Review Sub-Committee also found that no action should be taken. Certain elements of the complaints were not matters for the Standards Committee and were subsequently considered under the Council's Corporate Complaints process, which found that no action was necessary.

#### **5.0 OTHER COMPLAINT MATTERS**

##### **Standards Board Monitoring**

4.1 As the 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 the return for the Authority for the reporting quarter January to March 2009, recording the complaint matters mentioned in section 4 above.

#### **6.0 RECOMMENDATIONS**

5.1 That Members note the contents of this report.

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

##### **Background Documents:**

Standards Board for England website at [www.standardsboard.gov.uk](http://www.standardsboard.gov.uk)  
Standards Board Bulletin 42

County Hall  
NORTHALLERTON

8 May 2009