

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

18 May 2009

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.
- 2.2 A draft report for the period June 2008 to May 2009 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 17 June 2009.

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

11 May 2009

NORTH YORKSHIRE COUNTY COUNCIL

17 June 2009

Annual Report of the Standards Committee 2008

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 2008 to 31 May 2009.

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, monitors the local standards regime 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 (hard copy and electronic versions) and dealing with complaints against Members under the local standards regime.
- 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 2008 to 31 May 2009.

3.0 WORK UNDERTAKEN

- 3.1 The work undertaken by the Standards Committee between the period 1 June 2008 to 31 May 2009 is set out below:
- 3.2 During this period the Committee met on 2 June 2008, 1 September 2008, 1 December 2008, 2 February 2009, 23 April 2009, and 18 May 2009.
- 3.3 The Standards Committee's Complaint Assessment Sub-Committee and Complaint Review Sub-Committee met on 2 February 2009 and 25 March 2009 respectively.
- 3.4 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 continued development of the local standards regime. In relation to this, the Committee has undertaken further work in relation to the implementation of the changes brought about by the Standards Committee (England) Regulations 2008, which introduced the local filtering of complaints. The Regulations affected the size of the Standards Committee which now carries 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 Standards Committee now comprises ten members of which four are independent members. Sub-committees have now been established and their terms of reference determined enabling the proper handling of the assessment and review of complaints. The Committee has developed and agreed a detailed procedure for the Assessment and Review of Complaints by the Sub-Committees. Work is currently on going in relation to the development of revised procedures for the investigation of complaints and their determination by the Standards Committee. It is notable that the local handling of complaints has resulted in an increased workload for the Committee.

- (b) Communications Strategy: The thrust of the current ethical framework aims to raise public confidence in councillors and council officers. To assist this process, the Standards Committee agreed a Communications Strategy. Work has been undertaken during the course of the year in conjunction with the Communications Unit to progress the actions in the Communications Strategy to assist in raising the profile of ethical standards and the Committee. This has included training, articles in the NY Times, and County Talk, and work to update the information on the web site and intranet.
- (c) Council Statements on Ethical Standards: Statements regarding the Council's position on the ethical agenda for the Council's leadership, the Council itself, senior managers, and for stakeholders were agreed last year. The aim was that the various statements could 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. Work has continued to identify opportunities to use the statements to promote the Council's standards or example, on the web, in policies, and where appropriate in contractual documentation.
- (d) Consultation Paper – Member Code and Employee Code of Conduct: A government consultation paper was issued for response in December 2008 relating to a proposal for a model Code of Conduct for Officers. The Committee considered and responded to the consultation and the outcome is awaited. The consultation paper also covered the issue of the application of the Member Code of Conduct to Members' actions when not acting in their official capacity
- (g) Training: Training to members on developments in the ethical framework was delivered at a seminar in June 2008. Additionally, the Standards Committee has received training in the last year in relation to its role in the local handling of complaints, and Standards Committee members have participated in training sessions delivered to officers in October 2008 and February 2009 on ethical standards and good decision making.
- (h) Dispensations: The Standards Committee considered and agreed to applications for dispensation from County Council members and Co-opted District Council members of the Yorkshire Moors and Coast Area Committee who had a prejudicial interest because of their dual-hatted status as District Council members in relation to the consideration of an application for the registration of a village green. This falls within the powers of the Committee in a situation like this where the Area Committees may otherwise have been inquorate. Dispensations were also requested by Area Committee members in Hambleton and Craven, also because of their dual-hatted status, relating to the consideration by the Area Committees of proposals from the District Councils in relation to car-parking charges. The dispensations were granted.

- (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, the incidence 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.
- (k) Complaints in relation to alleged breaches of the Code of Conduct: The Standards Committee received three complaints arising from one set of circumstances which were considered by the Standards Committee's Complaint Assessment Sub-Committee and Review Sub-Committee. It was decided that no action was necessary in relation to the complaints. It is pleasing that the level of County Council complaints remains 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. Particularly helpful this year was the very comprehensive guidance issued by the Standards Board for England to assist Standards Committees in dealing with the local handling of complaints.
- (n) Independent Members Forum and Monitoring Officer/Standards Chair's Group: The independent members of the Standards Committee have participated in a further meeting 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 again attended the Northern Secretaries Standards Group which affords similar opportunities for information sharing.
- (o) 2008 Annual Assembly: Members of the Committee and the Monitoring Officer attended the 2008 Annual Assembly of Standards Committees in October 2008. The main thrust of the Assembly dealt with experience of the implementation of the local handling of complaints, and also the new role of the Standards Board for England in Monitoring the performance of Standards Committees in their handling of complaints, and also, through the Annual return of their general achievements in the promotion of high ethical standards.
- (p) Monitoring: Monitoring returns in relation to the local handling of complaints have been completed and submitted to the Standards Board for England at the end of each quarter since July 2008. A detailed Annual Return dealing with the performance and achievement of the Standards Committee generally, and touching upon the promotion of standards, leadership and engagement with members and officers, member officer relations, the registration of interests, training and complaints is now also due to be submitted.

4.0 FUTURE WORK

- 4.1 It is anticipated that the Committee will be further involved in the coming year in the implementation of the local filtering and handling of complaints. It is proposed that the level of complaints and the activity involved in their handling should be monitored.
- 4.2 The powers to consider the formation of joint Standards Committees to deal with several authorities is still awaited. Members will recall that it is embodied, but not yet brought into effect, by the Local Government and Public Involvement in Health Act 2007. At present the 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 The Committee will continue its work in the promotion of high ethical standards through the actions from the ethical audit, delivering its Communications Strategy and further involvement in training.

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

17 June 2009

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.