

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

10 May 2010

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 1 May 2009 to 30 April 2010 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 19 May 2010.

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

28 May 2010

NORTH YORKSHIRE COUNTY COUNCIL

19 May 2010

Annual Report of the Standards Committee 2009

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 May 2009 to 30 April 2010.

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 well established and also includes the Code of Conduct for local authority Members and Standards for England (SFE) 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 Members of the Standards Committee are:

County Councillor Philip Barrett
Mr Henry Cronin*
Mr James Daghish (Chairman)*
Mrs Hilary Gilbertson MBE*
Dr Janet Holt*
County Councillor David Jeffels
County Councillor John Marshall
County Councillor Peter Pople
County Councillor Peter Sowray
County Councillor Geoffrey Webber

* Independent non-elected Members.

Gillian Fleming was Independent Member of the Committee until February 2010.

- 2.3 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.
- 2.4 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 May 2009 to 30 April 2010.

3.0 WORK UNDERTAKEN

- 3.1 The work undertaken by the Standards Committee between the period 1 May 2009 to 30 April 2010 is set out below:
- 3.2 During this period the Committee met on 18 May 2009, 5 August 2009, 21 September 2009, 30 November 2009 and 1 February 2010 and 5 February 2010.
- 3.3 The Standards Committee's Complaint Assessment Review and Determination Sub-Committees met on 1 June 2009, 21 September 2009, 9 December 2009, 18 January 2010 and 1 February 2010.
- 3.4 The work undertaken is as follows:
- (a) Further Implementation of the Local Standards Regime: In the course of this year there has been further development and agreement of detailed processes for the assessment, investigation and determination of complaints. The Committee's procedures comply with statutory guidance and have been followed in the conduct of a number of complaints. The Standards Committee comprises ten members of which four are independent members. Sub-Committees are now well established and their terms of reference determined enabling the proper handling of the assessment, review of complaints and determination of.
 - (b) Communications Strategy: The aim of the current ethical framework is to raise public confidence in councillors and Council officers. It is important that awareness of the ethical standards to which the Council operates is known throughout the Council, and understood by the public. The Standards Committee has a Communications Strategy to assist with achieving this objective, and during the course of 2009/10 undertook a review of its action plan for the communication of ethical issues. Recognised was the need to make sure that issues about ethical standards and the Code of Conduct were communicated effectively not only to Members but also to officers, and that information should be readily available on the intranet and on the Council's website. Various measures were considered to further promote ethical standards and the work of the Committee with ongoing liaison with the Council's Communications Unit. Other examples are including information in the staff newsletter, ensuring that information in relation to ethics and standards is included in induction programmes, the Council's Leading Members attending Standards Committee and annual reminders in relation to the Register of Interests.
 - (c) Review of Ethical Arrangements: The Committee undertook a review of the ethical arrangements in place within the authority and considered ideas for future developments based on national examples of good practice. Amongst the issues considered was ensuring that the County Council's partners were operating to similar ethical principles or working to their own ethical code. It was recognised that current work was being undertaken in relation to the development of partner working which could incorporate reference to ethical standards issues.
 - (d) Dispensations: The Standards Committee considered and agreed to applications for dispensations from County Council Members and co-opted District Council Members of the Craven and Hambleton Area Committees who had a prejudicial interest in an issue relating to car parking charges in the Craven and Hambleton Areas. The Area Committees considering the matter would have been inquorate without dispensations being granted. The dispensations were approved. A further request for dispensation was received from Members of the Yorkshire Coast and Moors Area Committee in relation to village green applications. The

Members had a prejudicial interest because of their dual hatted status as District Council Members in relation to the consideration of an application for registration of a village green. Again the difficulty encountered was that the meeting would be inquorate because of the number of Members with prejudicial interests. After careful consideration the Standards Committee did not grant the applications and they were then referred to the Planning and Regulatory Functions Committee of the Council for determination. The Standards Committee continues to monitor the number and nature of applications for dispensation.

- (e) Public Perception of Ethics: The Committee considered a report on findings on public perceptions of ethics published by Standards for England. The general result of the research showed that the local standards frameworks had had a positive impact on Local Government and the behaviour of Councillors nationally had improved. Those within Local Government had a far higher level of confidence in the ability of Local Government to uncover poor behaviour and deal with it properly, when compared to the public however. Public attitudes towards local Councillors seem to have changed less markedly than for MPs and politicians generally, particularly in the light of the expenses issues.
- (f) Training: Training to Members on the ethical framework was included in the induction training for Council Members which took place following the elections in June 2009. Further training was offered at a Members' Seminar on 11 November 2009 which also covered Members and their position in relation to Freedom of Information. Standards Committee Members have also received training on the local assessment of complaints using Standards for England training DVD. Standards Members are also given training prior to every Sub-Committee for the assessment, review or determination of complaints. The Committee continues to maintain an ongoing training plan to ensure that appropriate training in relation to standards issues is being provided to Members of the Council.
- (g) 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 whistleblowing and freedom of information requests. This report aims to assist the monitoring of ethical governance within the authority. The incidence of complaints can be an indicator of the ethical health of an authority and its governance arrangements.
- (h) Complaints in relation to alleged breaches of the Code of Conduct: The Standards Committee received three complaints in relation to alleged breaches of the Code of Conduct. The first complaint concerned various allegations relating to the requirement not to use or attempt to use a Councillor's position improperly to confer an advantage or disadvantage, the requirement in relation to the declaration of personal interests, and the requirement to declare a prejudicial interest and withdraw from meetings. The complaint was considered by the Assessment Sub-Committee who determined that no action was justified. That outcome was confirmed on review. The second complaint related to the requirement to treat others with respect. The complaint was referred for investigation and determination and there was a finding that the Member involved had failed to treat others with respect, and an appropriate sanction imposed by the Committee. The third complaint is still in the course of handling. Yet again 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 to review the means by which the public can be made aware of how complaints are going to be raised.

(i) Review of Standards Development: 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 were guidance received from Standards for England in relation to Joint Standards Committees, the handling of applications for dispensations, and guidance on other action which can be taken by Monitoring Officers following the assessment of a complaint in an attempt to resolve any issues other than through a formal investigation and determination route. Standards for England also publish various online guides in relation to the following:

- ◆ Gifts and hospitality.
- ◆ Disclosing confidential information.
- ◆ Bullying and the Code of Conduct.
- ◆ Lobbying.
- ◆ Personal and prejudicial interests.
- ◆ Freemasons and the Code of Conduct.
- ◆ Independent Members.

The Guide can be accessed on the Standards for England website and provide useful guidance for Members. Two topic guides have also been released in relation to charitable trustees and declarations of interest under the Code, and pre-disposition pre-determination or bias and the Code Conduct.

(j) 2009 Annual Assembly: Members of the Committee and the Monitoring Officer attended the 2009 Annual Assembly of the Standards Committees in October 2009. The main thrust of the assembly dealt with consolidating good practice in the work of Standards Committees, and explored the potential future of the ethical standards regime.

(k) Standards Bulletin: The Committee issued 5 standards bulletins during the course of 2009/10 to assist Members in keeping up-to-date with standards issues.

(l) Employee Surveillance Procedures: The Committee considered a report in relation to the Council's arrangements for the use of surveillance under the Regulation of Investigatory Powers Act 2000. The Committee considered how information in relation to the use of RIPA powers was monitored and were advised that a strict protocol and legal framework were complied with within North Yorkshire.

(m) Protocol for Officers' Gifts and Hospitality: The Committee considered a draft protocol in relation to gifts and hospitality which are offered to officers. The offer and receipt of gifts and hospitality to Members is regulated by the Code of Conduct, but in relation to officers the authority must determine its own local rules. The draft protocol was subsequently considered by Management Board and will be finalised at the next meeting of the Standards Committee.

(n) Standards for England Report assessing the Impact of Standards Committees: The Committee considered a report from Standards for England on how Standards Committees had impacted on the ethical regime. The report considered case studies looking at organisational learning, Member development, working in partnerships, recruitment and retention, training and

development, joint Standards and Audit Committees, dealing with high pressure investigations and embedding standards. The key findings of the report were:

- ◆ Notable Standards Committees were committed to a number of innovative practices.
 - ◆ Leadership was essential, particularly in terms of political support within the authority.
 - ◆ The composition of Standards Committees has to be balanced. It is important to bring a range of skills, knowledge and experiences to the Standards Committee, particularly in relation to Independent Members.
 - ◆ Standards Committee learn good practice from each other.
- (o) Standards Work Programme 2010/11: The Standards Committee maintains a work programme which is reviewed at every meeting. The current work programme for 2010/11 is attached as Appendix 1 to this report.
- (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 itself must be submitted to Standards for England and is taken into account in the Council's use of resources assessment. The Annual Return prepared in April 2010 is attached as Appendix 2 to this report. The Annual Return will be circulated to officers and Members, placed on the Council Website and Intranet and details will be publicised in the NY Times.

4.0 FUTURE WORK

- 4.1 It is anticipated that the Committee will be further involved in the coming year in the local filtering and handling of complaints. Whilst the Council's incidence of complaints remains low, their handling is resource intensive.
- 4.2 The Committee will continue its work in the promotion of high ethical standards, including delivering its Communications Strategy and further involvement in training of officers and Members.

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

28 April 2010

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.