

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

10 May 2010

Standards for England Annual Return 2010

1.0 PURPOSE OF REPORT

- 1.1 To present to Members, for information, the completed Annual Return to Standards for England 2010.

2.0 BACKGROUND

- 2.1 Each year, Standards for England collects wider information (going beyond case handling details) from local standards committees on their activities and on their arrangements for supporting ethical conduct. The information is submitted in an online Annual Return to the SfE by the Monitoring Officer.

3.0 SFE ANNUAL RETURN 2010

- 3.1 A copy of the information provided in the completed Annual Return for the authority for 2009/2010 is attached at Appendix 1 to this report, for Members' information.
- 3.2 Topics for the Return were:
- communication, including the Committee's Annual Report, the promotion of the standards regime and the complaints process and outcomes
 - activities of the Standards Committee
 - the ways in which the public can access information about the Standards Committee and its work
 - influence, including the role of leaders in promoting high standards
 - standards in partnership working
 - training and support
 - investigations
- 3.3 The focus of last year's Annual Return was to obtain a narrative of the activities which standards committees had undertaken in the first year of the new local framework. This year the SfE's approach was slightly different. Using information from last year's responses, they designed a "tick box" questionnaire, meaning there were fewer open questions, the aim being to make the Return quicker and easier to complete. However, there was still the opportunity to provide the SfE with supporting narrative via the "other" option for questions. The SfE hopes that this year's Return format will make it easier for it to identify and share notable practice.

4.0 RECOMMENDATIONS

- 4.1 That Members note the contents of this report.

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

Background Documents:

Standards Committee minutes 2009/2010

County Hall
NORTHALLERTON

27 April 2010

Annual Return 2010

NORTH YORKSHIRE COUNTY COUNCIL

This document is a list of the questions you will be asked in our 2010 Annual Return. The Annual Return will be an online form, accessible via our website. When we launch the online version you will be able to use the same login details that you use when accessing the quarterly return.

We have provided you with the questions early so that you can prepare in advance of the submission window, which will be either late March or early April 2010. An announcement containing the exact details of this will be made at a later date.

This will hopefully give you the opportunity to discuss the questions with your standards committee and other parties as necessary.

For those of you who completed last year's annual return, you will notice that only a handful of the questions are the same. We have made some significant changes to enable us to gather new information about how the local standards framework is functioning. There are 5 sections this year, communication, influence, training and support, investigations and a section only for authorities with parishes.

As with last year, the information you give us will feed into our Annual Review and we will be looking for items of notable practice to share with the standards community. We will once again be sharing your responses with the Audit Commission, to help inform their organisational "Use of Resources, Key Line of Enquiry" assessment.

When considering the questions, please refer to the guidance notes, as they will give you more details about the question and how to answer it.

If you are unsure about anything in this document, please contact our monitoring team on 0161 817 5300 or by emailing authorityreturns@standardsforengland.gov.uk.

PART 1: COMMUNICATION

The main roles of a standards committee are:

- to promote and maintain high standards of conduct by members
- to assist members in observing the Code of Conduct.

Your responses to this section will help us to collect examples of the different ways that standards committees communicate messages about ethical standards, both within the authority and to the wider public.

Annual Report

1) Does the standards committee produce an annual report?

YES

2) What does the report contain?

- A personal statement by the standards committee chairman
- √ **Information about the members of the standards committee**
- √ **The role of the standards committee**
- √ **The standards committee terms of reference**
- Information about the Code of Conduct
- √ **Statistical information about complaints that have been received**
- Information about the length of time taken dealing with complaints
- A summary of complaints which have led to investigation, sanction or other action
- √ **Details about training/events provided**
- The forward work plan of the standards committee
- √ **Other (*You will be asked for more details if selected*)**

The Council's Statement on Ethical Standards; an account of the activities and work of the Standards Committee additional to the matters referred to above including the further development of the local ethical regime, the Committee's Communications Strategy, responding to consultation, dispensations, monitoring of corporate complaints and other Standards Committee agreed indicators which show the 'ethical health' of the authority, review of standards developments, networking groups involving independent members, the Chairman of the Committee and the Monitoring Officer, the Annual Assembly, future anticipated work for the Committee.

Whilst the report does not include a statement from the Chairman of the Committee, he does in fact make a verbal statement at the County Council meeting when presenting the report.

Note the Council did not include a summary of complaints that led to investigation as at that stage it did not have any.

3) How is the standards committee annual report circulated?

Note: If your return is not on the website please forward a copy to us. See the guidance notes for details.

√ **Sent to all senior officers**

√ **Sent to all members**

- Sent to parish/town councils (This is only displayed if your authority is applicable)
- Available on the authority intranet

√ **Available as a specific item on the authority website (You will be asked for the website address if selected)**

<http://www.northyorks.gov.uk/CHttpHandler.ashx?id=7659&p=0>

√ **Available in the standards committee papers published on the authority website (You will be asked for the website address if selected)**

https://www3.northyorks.gov.uk/n3cabinet_comm/standards_/reports_/20090518_/04annualreporto/04annualreporto.pdf

√ **Included as a full authority meeting agenda item**

- Publicised in local newspaper / press release
- Distributed to households
- Available at authority offices
- Not circulated outside of the standards committee
- Other (You will be asked for more details if selected)

Publicising Complaints

4) How can the public access information about how to make a complaint against a member?

- Through a 'compliments and complaints' type section of the council website (You will be asked for the website address if selected)

√ **Through the standards committee section of the website (You will be asked for the website address if selected)**

<http://www.northyorks.gov.uk/index.aspx?articleid=11139>

√ **Complaints leaflets available from the authority**

√ **Included as part of a council newsletter**

- Advertised through parish councils
- Information is not available to the public
- Other (You will be asked for more details if selected)

Where appropriate, and publication timescales permit, refresher articles about the Code and standards complaint regime are included in the Council's own newspaper, NY Times. Several such articles have been published since 2007/2008. The last article appeared in the November 2009 edition of NY Times.

Another article will be published when there are any developments within the regime to report e.g. introduction of new Code of Conduct, to ensure a proportionate approach on standards issues in an authority with a low level of complaints.

5) How can the public access information about the outcome of initial assessment decisions?

- √ **Written summary available for public inspection**
 - Press release issued for all initial assessment decisions
 - Press release issued only if the subject member agrees
 - Assessment decisions published on the authority website
 - Articles published in the authority newsletter
- √ **Other** (You will be asked for more details if selected)

Limited, anonymised and factual information about any complaints received or progressing, and the action taken in relation to them, is reported to the full Standards Committee at each meeting via its standing 'Complaints and Findings' report.

6) How can the public access information about the outcome of investigations?

- √ **Hearings are open to the public**
 - Press release issued for all investigation outcomes
- √ **Press release issued only if the subject member agrees**
 - Published on the authority website
- √ **Decision notices are available for public inspection**
 - Articles in the authority newsletter
- √ **Other** (You will be asked for more details if selected)

We assume you refer to the outcome of hearings following investigations? North Yorkshire has only held one hearing which was not actually held in public because of the subject matter. In each case the Committee will decide whether it is appropriate to conduct the hearing in public – with an emphasis on transparency if possible. If there is a finding of no breach of the Code, a press release will not be published if the subject member so requests.

Limited, anonymised and factual information about the outcome of complaints determined is reported to the full Standards Committee at each meeting via its standing 'Complaints and Findings' report.

7) Do you have a mechanism in place for measuring the satisfaction of all those involved in allegations of misconduct? For example the member, complainant and witnesses.

NO. But a questionnaire is in the course of being finalised and will be presented to the Standards Committee at its May 2010 meeting for adoption.

8) If yes, please can you describe the process?

Open question

Communicating the role and work of the standards committee and standards generally

9) What does the authority do to promote the work of the standards committee and standards generally to the rest of the authority (i.e. internally)?

- √ **Dedicated standards committee pages on intranet**
- √ **Standards committee has its own newsletter / bulletin**
- √ **Standards committee issues briefing notes**
- √ **Articles in employee newsletter / bulletin**
- Standards committee independent members **observe** other authority meetings
- √ **Standards committee independent members contribute to other authority meetings** *(a box will appear to ask for further details about what kind of contribution)*

An Independent member of the Standards Committee is also a co-opted Member of the Audit Committee. The Chairman of the Standards Committee addresses full council in presenting the Committee's Annual Report.

- √ **Other** *(you will be asked for more details if selected)*

As part of their induction after appointment, Standards Committee Independent Members are given the opportunity to observe other Authority meetings e.g. full Council, Executive, Planning and Regulatory Functions Committee. The Committee is informed that this option is available to any Standards Committee member at any time, by contacting the Clerk to the Committee.

10) How can the public access information about your standards committee?

- √ **Dedicated standards committee section on the authority website** *(you will be asked for the website address if selected)*
<http://www.northyorks.gov.uk/index.aspx?articleid=11139>
- Within 'council and democracy' type section of website *(you will be asked for the website address if selected)*
- Ethical standards issues have been included in the local press / media
- √ **Standards committee minutes, agendas, and reports are available to the public**
- Leaflets and/or posters are placed in public buildings
- √ **Places articles in the authority newsletter / bulletin / other publication**
- √ **Standards committee meetings are observed by members of the public**
- Information is not available to the public
- Other *(you will be asked for more details if selected)*

11) What else does the authority do to promote the work of the standards committee and standards generally to the public and other partners?

The Council's stance on ethical standards is included in the contracting process. Consideration is also currently being given to further ways the standards of behaviour expected of all those working in partnership with the authority can be incorporated within the Council's partnership governance documentation and processes.

PART 2: INFLUENCE

A key factor in creating a strong ethical framework in authorities is clear ethical leadership from leaders and chief executives, setting the tone for the rest of the organisation.

Your responses to this section will help us to understand how closely your standards committee works with political and officer leadership in the authority, and the ways in which the leadership encourages strong ethical standards.

12) How does the standards committee communicate ethical issues to the senior figures within your authority (for example the Chief Executive and Leader of the Authority, Party Leaders)?

- √ **Formal meetings between standards committee members and senior figures specifically set up to discuss standards**
- √ **Informal discussion on particular standards issues**
- √ **Senior figure attendance at standards committee meetings**
- √ **Monitoring Officer is a member of or attends Corporate Management Team (or equivalent) meetings**
 - Executive or senior member has portfolio responsibility for standards
- √ **Chair (or other standards committee member) addresses full authority meeting(s)**
- √ **Other (you will be asked for more details if selected)**

Ethical standards statements have been agreed by the Council's Leader, Chief Executive and for senior managers. There is also a Protocol defining the roles of the Chief Executive and the Leader in relation to the ethical framework. These documents are published on the Council's website.

As part of the authority's current review of the Constitution, amendments will be recommended to Executive and Council that standards and ethics are specifically referred to in the portfolio of the Portfolio Holder for Corporate Affairs.

13) How do the senior figures in your authority demonstrate strong ethical values?

- √ **Through a strongly promoted whistle-blowing policy**
- √ **By ensuring there are references to ethics in the authority vision / objectives**
- √ **Demonstrating appropriate behaviours**
- √ **Senior figure(s) makes personal commitment to standards in statements to public/employees**
 - Other (you will be asked for more details if selected)

14) Does your authority have a protocol for partnership working that outlines the standards of behaviour expected of all those working in partnership?

NO – Consideration is also currently being given to further ways the standards of behaviour expected of all those working in partnership with the authority can be incorporated within the Council's partnership governance documentation and processes.

15) What mechanisms does the authority use for dealing with member/officer and/or member/member disputes?

- √ **Informal discussion/mediation**
- √ **Monitoring Officer mediation**
 - Chair of standards committee mediation
- √ **Senior figure mediation (e.g. Chief Executive)**
 - Advice from Human Resources department
 - Solicitor / legal adviser consulted
 - Informal hearing
 - No mechanisms other than normal complaints process
- √ **Other** (*you will be asked for more details if selected*)

The Council has an agreed Protocol on Officer/Member Relationships.

PART 3: TRAINING AND SUPPORT

A specific function of a standards committee is to train members on The Code of Conduct, or arrange for such training. A standards committee can also arrange training on the local standards framework. Your responses to this section will help us to form a view about what the most common topics and methods of training are so that we can share them with the rest of the standards community.

- 16) Between 1 April 2009 and 31 March 2010, has the authority assessed the training and development needs of authority members in relation to their responsibilities on standards of conduct?**

YES If yes, go to q18. If no, go to q17

- 17) If no, please give your reasons why?**

Open question. Go to q19

- 18) If yes, what needs were identified?**

- √ Introduction to the Code of Conduct
- √ Elements of the Code of Conduct
- √ The role and responsibilities of the standards committee
- √ Ethical governance/behaviour
- None

- 19) What training/support was provided during the period 1 April 2009 to 31 March 2010?**

- √ Introduction to the Code of Conduct
- √ Elements of the Code of Conduct
- √ Role and responsibilities of the standards committee
- √ Ethical governance/behaviour
- √ Other (You will be asked for more details if selected)
- None (go to q25)

Decision making, bias, predetermination.

- 20) Who received training/support?**

- √ Standards committee chair
- √ Independent members
- √ Other standards committee members

- √ **All authority members**
- √ **Specific authority members with particular needs (e.g. new members, planning committee members)**
- √ **Other** (*you will be asked for more details if selected*)

Co-opted members are usually invited to standards training sessions for all authority members.

One to one training provided to a Member following the imposition of a sanction.

21) What methods were employed to give training/support?

- √ **Internal training (presentations/seminars/workshops)**
 - External trainer/speaker
- √ **One on one training**
 - Joint/regional training event
 - Online learning
- √ **Guidance notes/briefing materials**
- √ **Standards for England materials**
 - Ethical governance toolkit
- √ **Other** (*you will be asked for more details if selected*)

Circulation of Standards Committee Bulletin

22) In which areas of the Code of Conduct has training/support been provided?
(*Only displayed if 'elements of the Code of Conduct' is selected at q19*)

- √ **Respect**
- √ **Personal/Prejudicial Interests**
- √ **Use of resources**
- √ **Bullying**
- √ **Disrepute**
- √ **Predisposition, Pre-determination and bias**
- √ **Equality**
- √ **Confidentiality**

Other (you will be asked for more details if selected)

23) What other training/support has been provided on areas of an authority member's role or activities they may engage in?

- Chairing skills
- √ **Lobbying**

- √ **Predetermination, Predisposition and bias**
 - Blogging and/or the use of social media
- √ **Electioneering**
- √ **Freedom of Information (FOI)**
- √ **Other** (*you will be asked for more details if selected*)
 - None

New legislation; how the Council works; various topical issues covered in monthly member seminars

24) In general, how well attending was the training provided?

- √ **75% Standards Committee members**
- √ **50-75% or more attended induction training following the 2009 local elections**
- √ **25-50 attend regular seminars on various topics and other ad hoc standards training**
 - 0-25%%

25) Please give a brief overview of how standards issues are covered in your induction process for new members of the authority?

The induction process covered the Code of Conduct, the Standards Committee, its role and processes, decision making and issues such as predetermination and bias. The Chairman of the Standards Committee participated in delivering the training to raise the profile of the Committee and emphasise the importance of ethical standards within the Council.

26) In which areas of the role and responsibilities of the standards committee has training/support been provided for standards committee members? Please tick all that apply. (Only displayed if 'role and responsibilities of the standards committee' is selected at q19)

- √ **Initial assessments**
- √ **Other action/mediation**
- √ **Reviews**
- √ **Investigations**
- √ **Hearings**
- √ **Sanctions**
- **Other** (*you will be asked for more details if selected*)

PART 4: INVESTIGATIONS

27) How many investigations have been conducted during the period 1 April 2009 – 31 March 2010?

One

If the answer is '0', go to q33 (only if your authority is parished). If you do not have parished you will have completed the questions.

If the answer is '1' or more go to q28

28) Of the investigations completed during the period, for how many have external investigators been used?

NOTE: This includes employees of other authorities

None

29) Overall, what was your principle reason for out-sourcing the investigation(s)? (*Only appears the number given in question 28 is more than 0*)

- Impartiality
- Lack of staff resources
- To complete the investigation sooner
- Skills required
- Cost
- Other (*you will be asked for more details if selected*)

30) What type of external investigator(s) did you use?

- Employee of another authority
- Self-employed investigator
- Private law firm
- Other (*you will be asked for more details if selected*)

31) For the period 1 April 2009 to 31 March 2010, what was the approximate total cost of fees paid to the external investigator(s)?

Open question (for an amount)

32) Please provide a brief overview of the processes you have in place to ensure the quality of local investigations.

The team of officers working on standards is organised so that one person can concentrate on investigations and build up skills. The Council's process is based on the Local Standards Framework and is followed very closely. The team also works closely together to resolve issues without prejudicing the integrity of the investigation or causing conflicts to arise.

PART 5: RELATIONSHIPS WITH PARISH AND TOWN COUNCILS N/A

(You will only be asked these questions if your authority has parishes)

We recognise the value of the vital role parish councillors play in representing their communities. Your responses to this section will help us to build a clearer picture of the level of support and communication between principle and parish/town councils.

33) Has your authority provided training for parish councillors during the period 1 April 2009 to 31 March 2010?

YES/NO. If yes go to q34. If no go to q37

34) If yes, what topics did the training cover?

- Freedom of Information (FOI)
- Confidential information
- Planning
- Lobbying
- Dual-hatted members
- The Code of Conduct generally
- Personal and prejudicial interests
- Bullying
- Other (*you will be asked for more details if selected*)

35) What methods were employed to give training/support?

- Internal training (presentations/seminars/workshops)
- External speakers
- One on one training
- Joint/regional event
- Guidance notes/briefing materials
- Standards for England's materials
- CALC speakers
- Part of wider parish liaison meeting

Other (*you will be asked for more details if selected*)

36) In general, how well attended was the training for parish councillors?

- 75% or more of those invited
- 50-75% of those invited
- 25-50%
- 0-25%

37) Has your authority provided training for parish clerks during the period 1 April 2009 – 31 March 2010?

YES/NO If yes got to q38. If no go to q41

38) What topics did the training for parish clerks cover?

- Freedom of Information (FOI)
- Working with confidential information
- Planning
- Lobbying
- Dual-hatted members
- The Code of Conduct generally
- Personal and prejudicial interests
- Bullying
- Other (*you will be asked for more details if selected*)

39) If yes, what methods were employed to give training/support to parish clerks?

- One on one training
- Internal training (presentations/seminars/workshops)
- External speakers
- Guidance notes/briefing materials
- Standards for England's materials
- Joint authority/regional event
- Other (*you will be asked for more details if selected*)

40) In general, how well attended was the training for parish clerks?

- 75% or more of those invited
- 50-75% of those invited
- 25-50%
- 0-25%

41) Does your council have a COMPACT (a formal agreement with your county Association of Local Councils about supporting standards for parish and town councils in the area)?

YES/NO

42) Describe the relationship between your authority and your County Association of Local Councils in relation to standards. For example, how regularly do you interact with them? Are you involved in delivering joint training?

Open question

43) Standards for England and Teesside University are currently researching the role of the Parish Liaison Officer. Teesside University have created a brief questionnaire to assess the organisational background, functions and skills needed to carry out the Parish Liaison role. Does your authority have a Parish Liaison Officer?

YES/NO/No but there is someone who fulfils the same functions

If yes or someone who fulfils the same functions go to q44. If no go to q45

44) Does the Parish Liaison Officer (or the person who fulfils the same functions) consent for the University of Teesside to contact them to complete a brief questionnaire about their role?

YES/NO If yes you will be asked the details below. If no go to q45.

If yes, please provide contact details (where there are multiple Parish Liaison Officers, just provide one contact):

Name:

Contact address:

Contact phone:

Email address:

- 45) What steps have you taken when dealing with parishes which have had problems with standards issues? For example, what preventative or capacity building work have you done with parishes?**

Open question

- 46) Which of the following areas would you like Standards for England to produce additional guidance on to support your work with parishes?**

- Lobbying
- Predetermination and bias
- Planning and interests
- Dual-hatted members
- Other (*you will be asked for more details if selected*)