

## NORTH YORKSHIRE COUNTY COUNCIL

### STANDARDS COMMITTEE

10 May 2010

#### **Complaints and findings/guidance from Standards for England**

#### **1.0 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**

##### **Standards for England Online Guides**

- 3.1 Standards for England has published, on its website, another Online Guide in relation to Blogging and social networking. A copy is attached to this report at Appendix 1, for Members' information.
- 3.2 Further advice on social networking has also been given in Standards for England's Bulletin 47. The existence of the new Online Guide is publicised, and the further SFE guidance set out, in the next edition of the Committee's Standards Bulletin which will be presented to the Committee under that agenda item.

##### **The Committee on Standards in Public Life Annual Review and Report 2008-09**

- 3.3 The Committee on Standards in Public Life has published its Annual Review and Report for 2008-09, which gives an overview of its work re ethical standards, which the Committee states has been dominated by its inquiry on MPs' expenses. A copy of the Annual Review and Report is attached at Appendix 2 to this report for Members' information.
- 3.4 The Report covers the following areas:
- The Committee's Eleventh Report: Review of the Electoral Commission
  - Party funding
  - Third biennial survey of public attitudes towards conduct in public life
  - Committee inquiry into local leadership
  - Standards frameworks for local government in England and Wales
  - Freedom of information
  - Whistleblowing
  - Standards of conduct in the House of Lords

- MPs' expenses and allowances

and contains other general information about the Committee and financial information.

- 3.5 Members will note that in relation to the standards framework, the Report notes that Standards for England have reported that standards of behaviour of local councillors in England remain high, with no significant changes in the volume of complaints being received. 15 councillors (out of an estimated 21,000, excluding parish councillors) were suspended or disqualified during 2008-09 and in a further ten cases members were suspended pending some action on their part. Standards for England public perception survey results show that these statistics have not translated into improved public perceptions: in fact, there has been a small increase in the number of people who rate councillor behaviour as low and who think it has deteriorated over the last two years.

### **SFE Stakeholder tracker 2009**

- 3.6 Every two years Standards for England conducts a 'stakeholder tracker' form of research in two parts: a quantitative survey and a qualitative investigation, which assesses the levels of satisfaction of members and officers in local government with the SFE's performance.
- 3.7 The survey was completed last year and the qualitative section of the research is now available on the SFE's website:

[http://www.standardsforengland.gov.uk/Resources/Research/2010reports/SAG3%20Qual%20SUMMARY\\_Final.pdf](http://www.standardsforengland.gov.uk/Resources/Research/2010reports/SAG3%20Qual%20SUMMARY_Final.pdf)).

A copy is also attached at Appendix 3 to this report.

- 3.8 SFE reports that some of the key findings are:
- monitoring officers and standards committee members are very positive about the local standards framework and welcome the chance to take ownership of the process of investigating complaints.
  - SFE's monitoring officer helpline received positive feedback and the service is felt to have improved over the past 12 months.
  - Monitoring officers welcome the development of peer and local/regional networks although some authorities may already have some form of networking in place.
  - Some stakeholders say that the public may think that they have noticed a decline in standards of behaviour. This is due to the MPs' expenses scandal. Some stakeholders explain how members of the public often confuse local councillors with MPs.
  - There are further topics on which SFE could provide guidance eg more information on other standards committee practices, sanctions and proportionality, mediation and more advice on the overlap with Freedom of Information and Data Protection legislation.

### **Standards for England Corporate Publications**

- 3.9 Standards for England periodically produces a range of publications containing information about its work and that of the 'standards community', and documenting

its financial accountability and performance and setting out its mission and objectives for the years ahead.

3.10 The SFE has recently published the following documents, copies of which are attached to this report at Appendices 4 to 10 respectively:

- **Introduction to Standards for England**

- ❖ provides an overview of the aims, objectives and purpose of Standards for England, a non-departmental public body which is accountable to Parliament to strategically regulate and promote high standards of behaviour among authority members, to in turn promote increased public confidence in the accountability of local politicians and safeguard local democracy.

- **Regulatory Statement**

- ❖ explains what Standards for England is seeking to achieve as the strategic regulator of standards in the UK and sets out its philosophy and how this will work in practice;
- ❖ There are two key regulatory outcomes that SfE is seeking to achieve:-
  1. High standards of conduct among members in authorities.
  2. Effective and proportionate standards framework in operation.
- ❖ The key elements of the SfE philosophy, underpinned and consistent with the Principles of Good Regulation, are:
  - a balanced scheme of local self-regulation and national oversight where complaints are dealt with at a local level;
  - to improve and maintain high standards of conduct among members by providing continued assistance and support to authorities;
  - to adopt a risk-based approach to work;
  - to seek to prevent problems occurring and to take early action when problems do arise.

- **Standards Update Spring 2010**

- ❖ sets out Standards for England's position on some topical issues concerning the local standards framework, for example:
  - the local regime is proving to be an effective system with authorities' experience of dealing with cases growing;
  - it allows "tit for tat" and vexatious complaints to be weeded out at the very early stages. This has led to over half the cases received since May 2008 being dismissed at the initial assessment stage;
  - the most common and frequent breaches investigated are failure to declare personal interests, failure to treat others with respect and bringing the authority into disrepute;

- although the local standards framework is now well-established, some challenges have been highlighted, including effectiveness in decision-making during the local assessment process, the application of sanctions and timeliness of investigations;
  - Research suggests that 94% of members support the need for the Code and increasing numbers believe behaviour is improving in local government;
  - Standards for England is concerned to see that the local standards framework is seen as a proportionate response to ethical conduct issues in local government. Standards for England feels the framework needs some further refinement and is in consultation with stakeholders for this purpose.
- **Review of the local standards framework - Local Standards 2.0 – the proportionality upgrade**
  - ❖ this report sets out the results of Standards for England's review of the local standards framework and reports on the framework's operation nearly two years after its inception;
  - ❖ the review is based on wide-ranging consultation with local government stakeholders and the lessons of 20 months of experience in working with the local standards framework;
  - ❖ the report aims to highlight where the framework is working as planned, where improvements are needed and whether the system is proving cost-effective to run and sets out detailed recommendations based upon experiences of its operation and sets out to refine and review the framework as a whole. Such recommendations include:
    - more streamlined local assessment of complaints - arrangements to more easily dismiss trivial and less serious complaints where appropriate, saving on time, money and process;
    - an enhanced role for independent chairs and vice chairs of local standards committees;
    - a new power for local standards committees to be able to halt investigations, if they have good reasons;
    - a commitment to greater transparency - always informing members that they have been the subject of a complaint, unless there are compelling circumstances not to;
    - the need to develop an approach which allows better management of the costs of operating the framework, working with local authorities to identify and promote ways of ensuring those costs are reasonable.
  - ❖ the main underpinning principles of the framework have also been targeted in this Review to establish whether they need to be changed to promote public confidence in the framework.

- **Annual Review 2008/9**

- ❖ This document provides the annual review of the impact that the local standards framework has had over the past year, by looking at research and monitoring carried out by Standards for England. The second section of the report focuses on what Standards for England has been doing to bolster its role as strategic regulator for standards, the standards it has set and the support it has been giving local authorities to meet such standards.
- ❖ Key conclusions noted over the past 12 months are:-
  - standards of behaviour of members is generally high leading to a low number of complaints; approximately one complaint for every 25 members per year;
  - a good commitment by local authorities to the framework has been shown. Authorities have received “enthusiastic support” from independent chairs and members of standards committees;
  - the number of complaints is consistent with previous years, with half of complaints being dismissed at initial assessment stage;
  - recommendations will be made to central government in relation to optimising the framework to meet objectives;
  - the framework has made little impact on the public. Standards for England want to see authorities utilising the framework to engage the public awareness of standards and to promote confidence in local democracy.

- **Corporate Plan 2009/12**

- ❖ Standards for England’s third Corporate Plan sets out how progress is intended to be made towards the two regulatory outcomes.
- ❖ The local standards framework is two years old in May and Standards for England is two years into its role as strategic regulator. The SfE believes that the majority of local members are “working selflessly for their communities and behaving well”. There is confidence that the local standards framework offers a solid basis for public trust and confidence that standards of behaviour of local members are important in local authorities and that poor behaviour will not be tolerated.
- ❖ The Plan highlights the SfE’s awareness of the practical difficulties of some authorities in complying with core requirement of the framework. However, Standards for England now feels in an appropriate position to be able to tackle these issues with the aim of ensuring a consistent approach to the framework across all authorities.

- **Annual Report and Accounts 2008/9**

- ❖ The formal Annual Report and Accounts of Standards for England, including:
  - Board information
  - Management commentary
  - Remuneration report

- Statement of the Board's and the Accounting Officer/Chief Executive's responsibilities
- Statement on internal control
- Independent Auditors' Report to the Houses of Parliament
- Financial accounts, balance sheet and statements

The corporate publications listed above can also be downloaded from the SFE's website at:

<http://www.standardsforengland.gov.uk/Aboutus/Corporateinformation/Corporatepublications/>

### **Outstanding parts of ethical framework**

#### **New Codes of Conduct for Members and Officers**

- 3.11 The remaining parts of the ethical framework, long awaited, are the new Codes of Conduct for Members and Officers. A revised Code of Conduct for Members was expected late autumn 2009 for implementation in May this year. Further consultation on the introduction of an Officers' Code of Conduct is due to take place in 2010.
- 3.12 Standards for England recently announced that the proposed new Code of Conduct for Members will *not* be laid during this Parliamentary session. Communities and Local Government have notified Standards for England that the Government is concentrating on financial instruments, so there will not be Parliamentary time available for the new Code.
- 3.13 In practice this means that a new Members' Code will not now be laid until after the general election.
- 3.14 Members will be kept informed of developments.

#### **Annual Assembly of Standards Committees**

- 3.15 This year's Annual Assembly is titled 'A place for standards' and takes place on 18 and 19 October at the ICC in Birmingham. Further information about the forthcoming Assembly is available via its website at:
- <http://www.annualassembly.co.uk/>
- 3.16 At its last meeting, the Committee agreed that two places should be booked for the Assembly, one for an elected member of the Committee and one for one of the new independent members, with the specific individuals to attend to be decided at the Committee's May meeting.
- 3.17 Members are therefore requested to determine who should attend this year's Annual Assembly.

## **4.0 COMPLAINTS RECEIVED**

### **New complaints**

- 4.1 During the period since the last report re Complaints and Findings to a meeting of the Committee (1 February 2010), the Monitoring Officer has received no new standards complaints.

### **Previous complaints**

- 4.2 The complaint received in January 2010 was assessed by the Complaints Assessment Sub-Committee on 1 February 2010, when the Sub-Committee decided that the matter should be referred to the Monitoring Officer for investigation.

### **5.0 OTHER COMPLAINT MATTERS**

#### **Standards for England Monitoring**

- 5.1 As the national regulator responsible for monitoring and promoting ethical standards, Standards for England 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 appropriate returns for the Authority for the reporting quarters during 2009 and the early part of 2010 and has also submitted the Authority's Annual Return, which is the subject of another report to this meeting of the Committee.

### **6.0 RECOMMENDATIONS**

- 6.1 That Members note the contents of this report.
- 6.2 That Members determine which Committee Members should attend the Annual Assembly of Standards Committees.

CAROLE DUNN

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

#### **Background Documents:**

Standards Committee minutes

Standards for England website at [www.standardsforengland.gov.uk](http://www.standardsforengland.gov.uk)

Standards for England Bulletins

County Hall  
NORTHALLERTON

28 April 2010