

# **NORTHAMPTON BOROUGH COUNCIL**

## **STANDARDS COMMITTEE**

**Tuesday, 7 December 2004**

**PRESENT:** Mrs M Roberts (Chair); Councillor Flavell (Deputy Chair); Councillors Lane and Pritchard, Messrs Hughes and Romose

### **1. APOLOGIES**

Apologies were received from Councillors Allen and B Hoare.

### **2. MINUTES**

That subject to the spelling of Mr Romose's name being corrected, the minutes of the meeting held on 22 June 2004 were signed by the Chair.

### **3. DEPUTATIONS / PUBLIC ADDRESSES**

None

### **4. SETTING HIGH ETHICAL STANDARDS- INSPECTION BY THE AUDIT COMMISSION**

The Borough Solicitor submitted a report that set out the final conclusion of the Audit Commission's inspection. The report confirmed the provisional conclusions reported in June that the Council had sound arrangements in place for implementing and complying with its obligations under Part III of the Local Government Act 2000.

The report recommended that the Committee should consider what further activity it could undertake to fulfil its role in monitoring the operation and effectiveness of the Code of Conduct. The Borough Solicitor commented that members and officers seemed to be generally aware of the Code of Conduct, but it would be timely to publish a further newsletter to include information on lobby groups and dual-hatted members, freemasonry and a reminder about the Register of Interests. It was suggested that as part of the newsletter feedback should be invited from councillors in respect of the work of the Committee, training needs and awareness of the Code of Conduct. It was noted that at the time of the audit, the representative from the Audit Commission had been unable to advise how best, in his view, the work of the Standards Committee might be audited.

The report also recommended that consideration should be given to how the Standards Committee might liaise with external bodies on issues of ethical governance and the promotion of good behaviour. It was noted that the Committee had already produced guidance on membership of external bodies.

The final recommendation of the report related to whether the Council should consider broadening the remit of the Standards Committee to encompass broader ethical issues. It was noted that this is a decision for the Council itself in relation to the Constitution. It was noted that at the time the Constitution was drafted it was considered that wider issues outside the statutory framework were a matter for existing committees and the Executive of the Council to regulate for themselves.

The Chair referred to a workshop at this year's Standards Board Conference concerning the work of a good Standards Committee. A speaker from the Audit Commission had suggested that an effective committee should be proactive in challenging inappropriate behaviour, taking on a wider remit, addressing breaches of the Officer's Code of Conduct,

setting good management practices, promotion of practices preventing fraud and corruption etc. A Standards Board representative had suggested that whilst the Board advocated that Standards Committees should take a wide approach it was accepted that resources ought to be taken into account and it was acknowledged that “not one size fits all”.

It was noted that at the request of the ODPM, the Standards Board is reviewing the operation of the Code of Conduct and investigating how the Code could be improved upon.

**RESOLVED:** That the report be received and approved and an updated newsletter be published along the lines discussed.

## **5. ANNUAL STANDARDS CONFERENCE- BIRMINGHAM**

The Chair submitted a report and elaborated thereon. The theme of the Conference was “Cracking the Code” but it was disappointing that the Regulations concerning the local investigation of complaints had not been issued prior to the conference. The Regulations had been published some ten days after the conference. Following some criticism, the Standards Board were getting their own house in order and the Borough Solicitor commented that some local authorities had had a lot of references for investigation and others none. The majority of complaints still came from Parish Councils by virtue that there were many more of them than the other tiers of local government.

In answer to a question, the Chair commented that the role of Chief Executives and Leaders of Councils was to promote ethical standards which should be an inbuilt ethos of the organisation. It was noted that several organisations such as the Audit Commission, Local Government Ombudsman and Standards Board were working together.

**RESOLVED:** That the report be noted.

## **6. CONSULTATION PAPER- MODEL CODE OF CONDUCT FOR LOCAL GOVERNMENT EMPLOYEES**

The Borough Solicitor submitted a report and commented that the proposed Code was largely common sense. One element that had been queried was a Register of Officer Interests as currently there was no explanation as to what degree it would involve and who it would apply to. The Code would be deemed to be part of employment conditions.

**RESOLVED:** That the report be noted.

## **7. LOBBY GROUPS/ DUAL HATTED MEMBERS- STANDARDS BOARD GUIDANCE**

The Borough Solicitor referred to the booklet circulated with the agenda which set out some useful advice.

**RESOLVED:** That the booklet be circulated to all members and to the Parish Councils.

## **8. EXTRACTS FROM LOCAL GOVERNMENT CHRONICLE- COMMITTEE ON STANDARDS IN PUBLIC LIFE**

The Chair of the Committee of Standards in Public Life is conducting an Inquiry into Codes of Conduct and standards in public life. The Borough Solicitor submitted two recent articles from Local Government journals setting out views of the Standards Board’s difficulties. Some publicised views felt that all issues should be dealt with locally and others believed that the Standards Board should give initial consideration to complaints. There was likely to be greater public confidence in a system that involved an element of

independent investigation and assessment.

**RESOLVED:** That the report was noted.

**9. STANDARDS- REPORT ON THE NATIONAL POSITION AND UPDATE ON COMPLAINTS**

The Borough Solicitor submitted a report and circulated the third edition of Standards Committee News. Further guidance had been issued in situations where Councillors may have been suspended or banned and further guidance was now available in respect of Freemasonry.

**RESOLVED:** That the report be noted.

**10. LOCAL INVESTIGATIONS OF MISCONDUCT ALLEGATIONS- NEW REGULATIONS**

The Borough Solicitor commented that the Regulations concerning local investigations of cases referred by the Standards Board had been published. During 2003 the Committee had agreed a procedure for handling investigations and hearings and these would require marginal adjustment to comply with the Regulations. It was noted that the Monitoring Officer was not allowed to carry out investigations personally but could use a member of his staff, a colleague elsewhere from the Authority or an independent person. The methodology would depend on the nature of the complaint to be investigated. A preferred route would be to use an independent person because of the fairness and transparency that this represented. The Standards Committee would be able to refer issues back to the Standards Board. The three-month timescale in which to complete an investigation and hold a hearing was very tight.

**RESOLVED:** That the report be noted.

**11. FREEMASONRY- REVISED STANDARDS BOARD ADVICE**

The Borough Solicitor submitted a report that set out revised advice concerning the registering of Freemasonry interests.

**RESOLVED:** That the report be noted.

The meeting concluded at 18.22hours

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