

NORTHAMPTON BOROUGH COUNCIL

Standards Committee

Your attendance is requested at a meeting to be held at the Holding Room, the Guildhall on Monday, 17 December 2007 at 5:00 pm.

**D Kennedy
Chief Executive**

AGENDA

1. Apologies
2. Minutes of the Meeting held on 18 September 2007
(Copy attached)
3. Deputations / Public Addresses
4. Matters of Urgency which by reason of special circumstances the chair is of the opinion should be considered
5. Independent Member Recruitment F Fernandes
x 7334
(Copy to follow)
6. Standards Board Update J Buckler
x 7341
7. Standards Committee Newsletter F Fernandes
x 7334
(Copy to follow)
8. Work Plan 2007 Onwards: Update F Fernandes
x 7334

(A) Review of Register of Interests and Gifts and Hospitality for Employees and Members F Fernandes
x 7334
(Copy to follow)
9. Standards Board DVD F Fernandes
x 7334
10. Exclusion of Public and Press
THE CHAIR TO MOVE:
"THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT."

STANDARDS COMMITTEE

Tuesday, 18 September 2007

PRESENT: Mr I Harley (Chair); Mr D Hughes; Councillors Capstick, Hawkins and Matthews

ACTION

1. APOLOGIES

Apologies were received from Councillor Flavell and Mrs Edwards.

2. MINUTES

The minutes of the meeting of the Committee held on 10 July 2007 were signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

None.

4. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None.

5. NEW CODE OF CONDUCT- UPDATE

The Solicitor to the Council submitted a report and commented that all the parishes except one had now adopted the new Code of Conduct. The outstanding parish was due to adopt the Code on 19 September 2007. Mr Hughes noted that Billing Parish Council had wholeheartedly supported the adoption of the new Code.

The Solicitor to the Council commented that new Declaration of Interest forms had been sent to Councillors and were due to be returned within twenty eight days. The Chair commented that he would complete an Interest form.

FMcG

In answer to a question the Solicitor to the Council indicated that there was no legal requirement for Members' interests to be available on the website but would, most likely, need a Council decision to do this. Councillor Matthews expressed reservations in terms of the potential for the misuse of the information.

RESOLVED: That the report be noted and that the Solicitor to the Council investigate the issues around the publication of Members' Declaration of Interests on the website.

6. WORK PLAN

The Solicitor to the Council submitted a report and referred to the Appendix commenting that discussions were ongoing with the Members Development Section, in order to fund and programme the training issues identified. It was hoped to be able to take up some places on training sessions organised by the County Council.

It was noted that previous Councillor attendance at Standards related training had been poor; in a cultural sense, the Council needed to be in a position where Members appreciated the importance of a robust, ethical framework. It was noted that ethics and the Code of Conduct did form part of Councillors' core training.

It was noted that some cross-party discussions might be taking place to agree a common interpretation of certain parts of the Council's Constitution and to agree expected conduct, standards and behaviour at meetings. It was noted that the Committee could lend its support to this process.

The Chair commented that the proposed work plan appeared both manageable and focused.

RESOLVED: That the work plan set out in Appendix A of the report be agreed.

7. APPOINTMENT OF INDEPENDENT MEMBERS

The Solicitor to the Council reported that it had proved difficult to identify suitable candidates. He was trying to get a panel that was more diverse to reflect society in Northampton. This issue had been discussed at a local District Secretaries meeting with a view to finding advice on how to broaden the approach for candidates.

It was noted that the Residents' Councils and the Council's own Forums could be vehicles for advertising vacancies for the Independent Members. Concern was expressed that the filling of these vacancies should be pursued as a priority.

FF

RESOLVED: That the report be noted and that members of the Committee nominate target areas for an advert to be placed to the Solicitor to the Council.

8. PAST STANDARDS COMMITTEE NEWSLETTERS

The Solicitor to the Council submitted a report and referred to the examples of previous newsletters that had been sent to Councillors and Parish Councillors. It was noted that the newsletters had been seen as a mechanism to complement training that Councillors had undergone. The format and content of the previous newsletters was welcomed.

Mr Hughes commented that the content of the newsletter might be useful to editors of community newsletters as certain aspects would also be useful content for them.

RESOLVED: That a draft newsletter be prepared for publication shortly

after the next meeting of the Committee on 17 December and that consultation on it take place before that meeting takes place.

9. STANDARDS BOARD UPDATE

The Solicitor to the Council submitted a report that appended Bulletin 35, and which contained an annual review. It was noted that referrals in 2007 had increased over 2006 and that referrals from members of the public were increasing.

RESOLVED: That the report be noted.

10. LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH BILL

The Solicitor to the Council submitted a report that set out the changes that the Bill would make for the work of Standards Committees and commented that the Bill itself was the result of a review of the Local Government Act 2000. He noted that complaints would be initially assessed by local Standards Committees rather than the Standards Board, which would lead to the Committee having a more “hands on” role. The handling of these issues would need to be considered perhaps by the creation of sub-committees. There were also changes to conduct in private life and it would be a statutory requirement for Standards Committee Chairs to be Independent Members. It would also allow for the creation of joint Standards Committees and possibly Sub-Committees, which may be helpful in some instances. Final determinations would be able to be referred back to the Adjudication Panel if the maximum three month ban was deemed not adequate punishment in individual circumstances.

The Solicitor to the Council commented that these changes were very important for local Standards Committees and the Standards Board would become more of a regulator. There were clear implications for local Standards Committees and Monitoring Officers. For example, a Monitoring Officer could be conflicted out of an issue if he had already given advice to an individual Councillor so consideration would need to be given to having a Deputy or using a Monitoring Officer from somewhere else.

The Chair referred to a statement made by the Chair of the Standards Board in support of the Annual Review of the Board’s work, and who had welcomed the proposed changes for complaints to be dealt with by local Standards Committees. He had also noted evidence from local authorities championing high standards and conduct in public life and the support given to Councillors. The Annual Assembly on 15 and 16 October in Birmingham would focus on the changes detailed in the Bill.

The Solicitor to the Council commented that he was attempting to seek sufficient funding for 2008 to allow Councillors to attend the Annual Assembly for that year.

The Chair, referring to the Chairman of the Standards Boards Review, also commented on the ideal approach of a Standards Committee to help and

support Councillors and Independent Members in putting in place a robust, ethical framework. There was support for this from all the major political parties nationally. The Code of Conduct was seen as a very important element nationally to set the trend and the Standards Board had suggested that the Audit Commission establish an ethical framework inspection.

RESOLVE: That the report be noted and that the Interim Chief Executive and the three Political Group Leaders be asked to make a public statement in support of the Code of Conduct.

11. STANDARDS BOARD DVD

The Solicitor to the Council reported that a new learning DVD was available and commented that he would arrange an informal meeting for it to be viewed and a discussion held.

RESOLVED: That the position be noted.

Standards Committee

AGENDA STATUS: PUBLIC

Report Title	STANDARDS COMMITTEE - INDEPENDENT MEMBER RECRUITMENT
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Date of Meeting:	17 December 2007
Directorate:	Chief Executive
Ward(s)	ALL

1. Summary

1.1 The report details the outcome of recent attempts to recruit three Independent Members for Standards Committee and recommends a revised format for future recruitment.

2. Recommendations

2.1 That the 6 candidates be interviewed.

2.2 That any future recruitment campaign takes into account the lack of interest showed in earlier recruitment by underrepresented community groups and positively addresses this issue.

2.3 That one candidate already interviewed as part of the process is automatically placed in the pool for the next round of interviews.

3. Report Background

3.1 The Council undertook a recruitment exercise for 3 independent members last year. 3 candidates were shortlisted, one (the current chair) was appointed immediately and the other 2 were placed in the 'pool', pending a further recruitment exercise to seek candidates that were more representative of the diverse community the council serves. Of the two remaining candidates one has withdrawn and the other automatically goes into the next round.

3.1 Following Standards Committee of 18th September 2007, when the committee considered the difficulty in recruiting independent members, the Monitoring Officer wrote to over 200 members of the Council's Neighbourhood Partnership and Forum groups.

3.2 Of the 200 invitations to apply sent out 31 expressions of interest were received but only 5 applications have been received.

3.3 The responses were representative but not statistically significant in terms of the diversity of our community. This is a recurring issue in this process and was highlighted to committee by the Solicitor to the Council on 18th September.

- 3.4 In light of the current need to appoint two Independent Members to the committee the Solicitor to the Council recommends that subject to suitability two appointments be made from the 6 candidates who have applied.
- 3.5 Following the enactment of the Local government and Public Involvement in Health Act 2007 there will be a need for the capacity of the Standards Committee to be reconsidered. Therefore, it is recommended that all candidates thought suitable are either appointed or kept in a 'pool' for future appointment should the number of members on Standards Committee be increased.

4. Implications (including financial implications)

- 4.1 As one third of the membership of Standards Committee must, under the Council's constitution, be Independent Members the difficulty in recruiting to the role presents a significant risk to Standards Committee and the Council to the extent that the committee might be unable to function effectively due to insufficient Independent Membership. This risk can be mitigated by a focused campaign amongst underrepresented groups.
- 4.2 Continued vacancies amongst Independent Members may reduce public confidence in Standards Committee.

4.3 Legal.

None specifically related to this report

4.4 Other Implications. None

None

5. Background Papers

Advert and applications records held by Solicitor to the Council.

Report Author and Title: Francis Fernandes, Solicitor to the Council and Monitoring Officer
Telephone and Email: 01640 837334 ffernandes@northampton.gov.uk

Standards Committee

AGENDA STATUS: PUBLIC

Report Title	STANDARDS BOARD UPDATE
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Date of Meeting:	17 December 2007
Directorate:	Chief Executive's
Ward(s)	ALL

1. Summary

The report provides an update on the current activities and advice from the Standards Board for England.

2. Recommendations

That the report be noted.

3. Report Background

3.1 The Standards Board Bulletins provide an update on the activity of the Standards Board together with advice and statistics.

Bulletin 36 has just been published and is accordingly attached for the information of Members.

3.2 ***The Local Government and Public Involvement in Health Act 2007*** is now law having been passed by Parliament on **30 October 2007**. The main provision of the Act were reported to the Committee at its meeting on 18 September 2007 but in essence it provides for a locally managed framework of compliance with the Code of Conduct and a new strategic/regulatory role for the Standards Board for England.

3.3 During the summer of 2007 the Standards Board for England piloted the local assessment of complaints with some 38 Standards Committees. All considered 12 real cases to enable data to be collected to assess how the system is likely to work in practice and to also consider a range of procedures and resources that were necessary for managing at a local level. The outcomes/statistics are detailed in the Bulletin.

3.4 A useful summary of matters to consider is provided on page 4 of the Bulletin . This includes:-

3.4.1 The size of Standards Committees (and effective practice)

- 3.4.2 Structure of Standards Committees (and effective practice).
- 3.4.3 Training (in the Code of Conduct, skills for conducting a hearing, chairing meetings and induction for new members).
- 3.4.4 Local Assessment Criteria (the development of Criteria, Guidance from the Standards Board).
- 3.4.5 Role of the Monitoring Officer in the new framework.
- 3.4.6 Local Assessment and Complaints Process.

(NB Some of these matters are subject to the making of further regulations).

- 3.5 The 2008 Standards Annual Assembly will take place on 13 & 14 October 2008 at the ICC in Birmingham.
- 3.6 Restriction on the political activities of certain staff under the Local Government and Housing Act 1989 which provides for the appointment of an independent adjudicator to grant dispensations for any such staff has been abolished under the Local Government and Public Involvement in Health Act 2007 and the duties have been transferred to the Standards Committee. Further Guidance is awaited.
- 3.7 Clarification is provided on what a member can and cannot do if they are suspended. This is subject again to amendments to the Act (***the Local Government Act 2000***).
- 3.8 The number of allegations received has slightly increased compared to the same period in 2006. The referral and investigation statistics however have remained fairly static.

4. Implications (including financial implications)

4.1 Resources and Risk

There will be significant financial/resource implications arising from the Local Government and Public Involvement in Health Act 2007 that have not yet been qualified.

4.2 Legal

There will be significant implications arising from the Local Government and Public Involvement in Health Act 2007 that have not yet been qualified.

4.3 Other Implications

None specifically at this stage.

5. Background Papers

Bulletin 36

Local Government and Public Involvement in Health Act 2007

Report Author and Title: J Buckler
Procurement and Practice Team Leader

Telephone and Email: 01604 837341
jbuckler@northampton.gov.uk

Appendices

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NORTHAMPTON
BOROUGH COUNCIL

Item No.

7

Name of Committee:	STANDARDS
Meeting Date:	17 December 2007
Directorate:	Chief Executive
Corporate Manager:	Francis Fernandes Solicitor to the Council
Agenda Status:	Public

Report Title	Standards Committee Newsletter
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1. Summary

The Report encloses the draft Standards Committee Newsletter for observations and comments on its content to date.

2. Recommendations

2.1 That the Committee consider the content of the Newsletter

2.2 The Newsletter, incorporating any further comments/amendments from the Committee is published in January 2008.

3. Report Background

3.1 The Standards Committee has produced periodic newsletters for the benefit of all Members, Parish Councillors and relevant officers. The newsletter generally covers current issues but also provides the vehicle to update Members on the national position, to provide updated advice on matters in relation to Standards generally and to also remind Members of their obligations in relation to the Code of Conduct and the Register of Interests.

3.2 Given the amount of paper Members have to read and deal with, the intention was that the newsletter be eye catching providing headline information without

too much detail, in an easy to read format.

- 3.3 It is now twelve months since the last release. The Council has a new Committee and there are to be significant changes to the work of the Standards Committee under the Local Government and Public Involvement in Health Act 2007 that requires conveying to the Council's Members, Parish Councillors and Officers.

4. Implications (including Financial Implications)

4.1 Financial Implications

Printing costs - The Budget is adequate to meet such costs.

4.2 Legal

None

4.3 Other Implications

None

5. Background Papers

Title	Description	Source
Previous Newsletters		
Local Government and Public Involvement in Health Act 2007		

Jackie Buckler
Procurement & Practice Team Leader
jbuckler@northampton.gov.uk



“Moving towards higher standards”

Introducing The Chair



THE COMMITTEE'S COMMITMENT

“The Standards Committee is responsible for overseeing the conduct of the seven Parish Councils within the Borough and for dealing with any complaints made against them and/or their Councillors. Nationally the largest number of complaints regarding standards are made about our tier of Local Government.”

David Hughes

“Some years ago I was persuaded, rather against my wishes, to stand as a Parish Councillor for Duston Parish Council. I had always felt that Parish Councils were rather dozey things run by self interested members of the community. That may have been the case in the past, not so now. A well run Parish Council is able to have a considerable effect and say over the area it serves. Because of this incipient power it is imperative that all Councillors behave in an acceptable and legal fashion. The Standards Committee is a forum to which members of the public or fellow Councillors can bring concerns and complaints about actions/behaviour. So that is why I am here. I like to feel that in some small way I am helping to ensure happy and well run Parish Councils where bullying, over riding personalise are a thing of the past and professional standards are to the fore.”

Margaret Edwards

“As a new Councillor, I am surprised and honoured to sit the Standards Committee. We are fortunate to have an experienced and supportive Chair, who, along with the training provided, will stand us in good stead for the future. I am totally committed to the highest standards for all NBC members and am proud to be playing a small part in ensuring we start to make this happen. The people of Northampton deserve no less.”

Cllr Joy Capstick

“It was in 1215 that King John, a frequent visitor to this town, authorised the appointment of the first Mayor of Northampton. Records tell us that he also ordered “..... twelve of the better and more discreet residents of the Borough” to assist the Mayor as a Council. Some things change; now there are forty six of us to assist the Mayor, and she is a most gracious woman. But the intended integrity and dignity of our office as Councillors should remain unchanged through the centuries.”

Cllr Jean Hawkins

Who are the Standards Committee

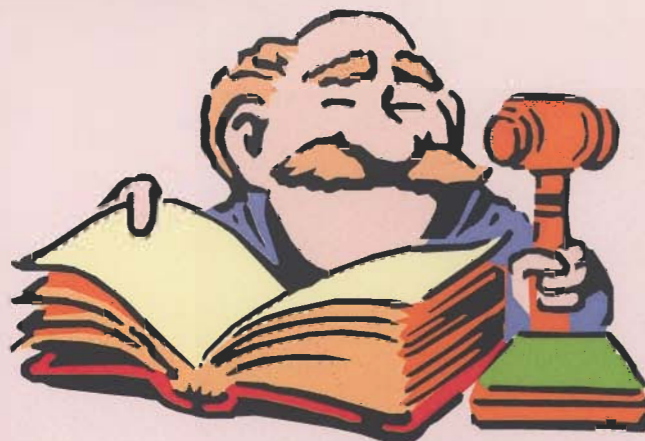


- Independent Chair - Ian Harley
- Parish Councillor Representative - David Hughes
- Parish Councillor Representative - Margaret Edwards
- Cllr. Joy Capstick
- Cllr. Penny Flavell
- Cllr. Jean Hawkins
- Cllr. Richard Matthews



Changes to the Local Standards Framework

This is a brief summary of the key provisions of the Act relating to Standards



- The Council's Standards Committee will be responsible for the receipt of allegations and deciding whether any action needs to be taken from April 2008
- The Standards Committee **MUST** be chaired by an Independent Member
- The Standards Committee will report periodically on the allegations received and how they have been dealt with to the Standards Board of England
- The Standards Committee will be allowed to enter into joint working arrangements with other Standards Committees and other public bodies
- The Standards Board of England will be responsible for monitoring and ensuring the effectiveness of Standards Committees and offering support and guidance
- The Standards Committee will be able to refer a report to the Adjudication Panel for England if the sanctions available to it following an investigation are considered insufficient

What does the local filter really mean?

- The Monitoring Officer will receive **all** complaints
- The Standards Committee will decide whether the matter should be investigated or not
- If the matter is to be investigated the Monitoring Officer shall appoint an Investigating Officer to carry this out and will provide a report of their findings
- Should the Investigating Officer find "no breach" the Monitoring Officer shall report this to the Standards Committee who either accept the report or require a local hearing
- Should the Investigating Officer conclude there has been a breach, or the Standards Committee requires a hearing, a Sub-Committee shall be set up chaired by an Independent Member to hear the case and come to a decision on the balance of the evidence available and decide on a sanction

"Faster, more effective, more local"

Standards Committee

AGENDA STATUS: PUBLIC

Report Title	Review of Register of Interests & Gifts & Hospitality for Employees and Members
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Date of Meeting:	17 December 2007
Directorate:	Chief Executive's
Ward(s)	ALL

1. Summary

1.1 In its annual work plan adopted on 18th September 2007 Standards Committee's committed to a review of the Register of Interests and Gifts and Hospitality for Employees and Members. That review has now been carried out.

2. Recommendations

2.1 That the findings detailed in this report be noted.

2.2 That the Monitoring Officer writes to all Parish Councils to remind them of the requirement to register gifts and hospitality and to forward copies of registrations.

2.3 That a further review of the register be included in Standards Committee's work plan for 2008/09.

3. Report Background

3.1 In its annual work plan adopted on 18th September 2007 Standards Committee a 'Review of the Register of Interests and Gifts and Hospitality for Employees and Members' was identified with a target completion date of December 2007. That review has now been carried out.

3.2 The review considered whether the register and registration process is fit for purpose and whether Members and Employees are aware of their responsibilities in respect of the register. The review also considered the position of the registration of interests and gifts and hospitality by Parish Councils and notification of such registrations to the Monitoring Officer.

3.3 The review confirms that the Register and registration process are fit for purpose and that Members have received various training on their responsibilities in this regard and that whilst Employees have been made aware of their responsibilities the profile of the issue amongst Employees needs to be increased.

- 3.4 The review identified that, whilst all Members had completed registration forms when accepting office on election, a small number of Members have subsequently failed to provide an updated form following the adoption, by the Council, of the new Model Code of Conduct on 23rd July 2007.
- 3.5 The Monitoring Office has reminded the individual Members in writing of their responsibilities in this regard and will provide a verbal up date report to the Committee. A general reminder in respect of the need to register gifts and hospitality has been included in the draft newsletter.
- 3.2 Information for Councillors on declaring gifts and hospitality is contained within the Code of Conduct parts of the Constitution and additionally reproduced in the Council Year Book. For employees guidance can be found in the Anti-Fraud and Corruption Strategy part of the Employee Handbook.
- 3.3 The Gifts and Hospitality Register is active with three entries having been made in November 2007.
- 3.4 For Parish Councillors registration of gifts and hospitality must be made to the Parish Council's own register. The Parish council must then send copies of entries to the Monitoring Officer. Whilst Parish Council's have indicated that a small number of entries have been made on to their registers no copies have been forwarded to the Monitoring Officer. The Monitoring Officer has therefore written to all Parish Councils reminding them of their obligation to forward copies of entries.

4. Implications (including financial implications)

4.1 Resources and Risk

4.2 There are no financial implications or risks in carrying out this review.

4.3 There are identified risks in not carrying out a review of the registers on a regular basis. These risks include:

- ❖ Lowering of profile of the registers so that they become ineffective
- ❖ Breaches of the Code of Conduct
- ❖ Lessening of trust between Members, employees and customers should gifts & hospitality not be recorded.

4.2 Legal

None specifically arising from this report.

4.3 Other Implications. None

None

5. Background Papers

5.1 The Register of Gifts & Hospitality and the Register of Interests.

Report Author and Title: Francis Fernandes, Solicitor to the Council and Monitoring Officer

Telephone and Email: 01640 837334 ffernandes@northampton.gov.uk