

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Your attendance is requested at a meeting to be held at the The Godwin Room, St. Giles Square, Northampton, NN1 1DE. on Monday, 10 December 2012 at 5:00 pm.

**D. Kennedy
Chief Executive**

AGENDA

1. APOLOGIES
2. MINUTES
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
6. STANDARDS TRAINING UPDATE
Report of Borough Secretary and Monitoring Officer (Copy herewith)
7. CURRENT LEVEL OF COMPLAINTS
Report of Borough Secretary and Monitoring Officer (Copy herewith)
8. 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."

SUPPLEMENTARY AGENDA

**Exempted Under Schedules
12A of L.Govt Act 1972
Para No:-**

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

STANDARDS COMMITTEE

Monday, 18 June 2012

PRESENT: I Harley (Chair); D Hughes, Mrs Edwards, Morris, Mrs Turner, and Councillors Capstick, Flavell and Sargeant.

1. APOLOGIES

There were none.

2. MINUTES

The minutes of the meeting held on the 12th December 2011 were agreed and signed by the Chair.

3. DEPUTATIONS / PUBLIC ADDRESSES

There were none.

4. DECLARATIONS OF INTEREST

There were none.

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

There were none.

6. THE NEW STANDARDS ARRANGEMENTS: - THE LOCALISM ACT 2011

The Borough Secretary and Monitoring Officer submitted a report and thanked officers for their contributions. It was explained that a mirror report was being submitted to Council on the 21st June 2012, which would seek the approval of the recommendations made by the Standards Committee.

It was explained that the Standards Regime had been abolished under the Localism Act 2011 and that statutory provisions for a new regime had to be enacted by the 1st July 2012. The Monitoring Officer advised the Committee that it was considered necessary for there to be a continuation of a Standards Committee, but that it would no longer be statutory. He explained that under the 'old' regime it was a statutory requirement to have Independent Members and Parish Councillors on the Committee, but that new legislation no longer required them to be part of the Committee. It was explained that the new Committee would be governed by political proportionality rules. It was explained that as part of the new Committee structure, it would be possible for Parish Councillors and Independent Members to be part of the Committee but as co-opted Members who would not have powers to vote. It was suggested that Independent Members would bring a level of independence to the Committee and add a neutral dimension and dissipate any political disharmony.

The Monitoring Officer commented that under the Localism Act the Council is required to appoint at least one Independent Person. (It was explained that the Independent Person is a statutory concept, which is separate from the proposed "Independent Members" to be co-opted on to the Committee). The main functions of the Independent Person(s) would be that they will be consulted by the authority prior to the authority deciding if a Member has failed to comply with the Code of Conduct, they may be consulted by the authority in respect of a standards complaint at any other stage, or they may be consulted by a member or co-opted member against whom a complaint had been made. It was considered a sound option for

there to be three Independent Person(s), to ensure continuity and availability and to allow for separate Independent Persons to be consulted by the authority and by a Member who is the subject of the complaint.

The Monitoring Officer stated that it was a statutory requirement for the authority to promote and maintain high standards of conduct and to adopt a Code of Conduct, but that the Localism Act had not prescribed the form of the Code to be adopted. It was explained that the Department for Communities and Local Government (DCLG) had identified principles of which should be abided by, based on the seven Nolan Principles, and that the Localism Act requires the Code that is adopted to reflect the Nolan Principles but that further detail was needed in the Code that is adopted to establish a more comprehensive set of regulations for Members to abide by. The Monitoring Officer further explained that when devising the new Code of Conduct, consideration had been given to 'dual hatted' Councillors who were elected both at Borough and County level, to minimise any confusion for those who would be subject to two Codes of Conduct. The suggested new Code of Conduct is therefore based broadly on a draft Code prepared by the County Council, which Districts were able to consider.

The Monitoring Officer commented that a further change to the Code of Conduct was the Registration of Interests. It was noted the personal interests would still need to be disclosed but that prejudicial interest had been superseded by 'Disclosable Pecuniary Interests'. It was explained that following the adoption of the Code of Conduct, it would be a criminal offence for a Member without reasonable excuse to not register a Disclosable Pecuniary Interest or to participate in a discussion or vote on a matter in which they have a Disclosable Pecuniary Interest. The Monitoring Officer reported that Members would be extensively trained to ensure awareness of what would constitute a Disclosable Pecuniary Interest.

The Committee Members discussed the report and commented that the new Committee should continue to be apolitical and emphasised that all appointed Councillors to the Standards Committee should not be subject to party whipping to prevent any possibility of the new committee becoming politicised. The Monitoring Officer explained that under the new structure, Council would appoint members of the Committee and then the Committee would appoint members to the Committee to include Independent Members.

It was explained that after taking figures in relation to political proportionality into account, the report suggested that the new Standards Committee would include 9 elected Members of the Council. In addition, it had been suggested that there be two non-voting Parish Councillors and such non-voting Independent Members as the Committee considers appropriate. The Committee agreed with these proposals subject to making an additional recommendation to Full Council that to bring a high level of independence to the Committee and add a neutral dimension and dissipate any political disharmony that a minimum of three Independent Members (non-voting) should be co-opted onto the new Standards Committee

The Monitoring Officer explained the proposed arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct. It was explained that the Monitoring Officer would review all complaints received by the authority and may consult with the Independent Person(s). It was noted that under the new system, there would be no right of appeal. However, it was also noted that the new sanctions would be less severe and draconian than the previous ones and that a person who felt the authority had failed to deal with a complaint properly could take their own legal advice or make a complaint to the Local Government Ombudsman.

The Committee discussed the extensive work that had been undertaken over the years by the Standards Committee and its importance in promoting and maintaining high ethical

standards. Elected Members stated that there had been support from the Party Leaders for a continuation of a Standards Committee. The Chair of the Committee expressed his interest in addressing Council, where the Standards Committee's recommendations would be heard, to ask members for their support for a Standards Committee and robust ethical framework going forwards.

RESOLVED: That Council be recommended to adopt the recommendations as set out in the report to Standards Committee subject to the two additional recommendations as set out below:

1. Agree that members of the new Standards Committee should not be "whipped".
2. Suggest to the new Standards Committee that it should appoint at least three Independent Members."

The meeting concluded at 6.58pm

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Monday, 15 October 2012

PRESENT: Councillor Yates (Chair); Councillor Capstick (Deputy Chair); Councillors Flavell, Oldham, Patel and Sargeant

1. APOLOGIES

Apologies were received from Councillors Davies, Eales and Glynane.

2. DEPUTATIONS / PUBLIC ADDRESSES

None.

3. DECLARATIONS OF INTEREST

None.

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

None.

5. CO-OPTION OF INDEPENDENT MEMBERS AND PARISH COUNCIL MEMBERS TO THE STANDARDS COMMITTEE

The Borough Secretary and Monitoring Officer Submitted a report that recommended the appointment of two Independent Members and two Parish Councils representatives to the Committee.

- RESOLVED:**
1. That Trevor Morris and Zillah Turner be co-opted on to the Committee as non-voting Independent Members; and
 2. That the appointment by co-option of two Parish Councillors to the Committee be agreed, one to be David Hughes and that the Borough Secretary be authorised to make the second appointment on its behalf.

6. APPOINTMENT OF INDEPENDENT PERSON

The Borough Secretary and Monitoring Officer submitted a report that set out the process undertaken to recruit an "Independent Person" in accordance with the requirements of the Localism Act 2011 (the "Act") and to propose that the Standards Committee recommend to Council the appointment of an Independent Person.

RESOLVED: That the process followed by the Borough Secretary as stipulated by the Act to recruit an Independent Person be noted.

- RECOMMENDED:**
1. That Council approves the appointment of Ian Harley as an Independent Person; and
 2. That Council note that the Independent Person will be paid an allowance equal to that which was paid to the Independent Chair of the previous statutory Standards Committee.

7. TRAINING ON THE NEW STANDARDS ARRANGEMENTS

The Borough Secretary and Monitoring Officer stated that the new standards regime brought about by the Localism Act 2011 was very different from the old system: for example, prejudicial interests were replaced by pecuniary interests. The Act also introduced some criminal aspects. Accordingly, he planned to provide training for all Councillors to be run by an external facilitator and paid for from within existing budgets. Tentatively, arrangements were being made to hold the training on 19 November 2012. There would be an afternoon session, probably from 3.00pm to 5.00pm and an evening session from 6.00pm to 8.00pm so as to give Councillors a choice. Parish Councillors would also be invited to attend.

In answer to a question the Borough Secretary and Monitoring Officer commented that the proposed date for training would not impact adversely in terms of timescale upon any cases that were currently being processed in respect of members of the Committee being adequately trained to take part in any hearing that might result. He commented that more specific training for Committee members could be arranged following the general training on 19 November.

- RESOLVED:**
1. That the arrangements for the general training of Councillors on 19 November 2012 as described by the Borough Secretary and Monitoring Officer be noted and that members of the Committee promote attendance at one of the sessions with members of their Groups.
 2. That following the general training on 19 November 2012 members of the Committee contact the Borough Secretary and Monitoring Officer or the Chair if there are any outstanding issues they would like further training on with the intention that this extra training be provided earlier in the day of the next Committee meeting on 10 December 2012.

The meeting concluded at 17.37 hours.

M7115

Appendices: 0



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE REPORT

Report Title	Standards Training – Update.
---------------------	-------------------------------------

AGENDA STATUS: PUBLIC

Committee Meeting Date:	10 th December 2012
Policy Document:	No
Directorate:	Borough Secretary

1. Purpose

- 1.1 To update Members of the Standards Committee following training sessions that took place on 19th November 2012 on the new standards arrangements currently in place following changes brought about by the Localism Act 2011.
- 1.2 To ascertain from Members of the Standards Committee whether as a Committee they have any additional specific training needs in relation to the new standards arrangements.

2. Recommendations

The Standards Committee is recommended to:

- 2.1 Note the update on standards training contained in paragraph 3.2 of this Report.
- 2.2 Advise the Borough Secretary and Monitoring Officer of any additional specific training requirements that the Committee has in relation to the new standards arrangements.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Localism Act 2011 has made significant changes to the standards regime in local government. On 21st June 2012 the Council adopted a new Code of

Conduct and Arrangements for dealing with allegations of breaches of the Council's Code of Conduct and of Codes of Conduct adopted by Parish Councils. The Code of Conduct and the Arrangements came into effect on 1st July 2012.

3.2 Training Sessions on 19th November 2012

3.2.1 On 19th November 2012, two identical training sessions were held by the Council, one in the afternoon and one in the evening on the new standards arrangements. All Northampton Borough Councillors and all Parish Councillors were invited to attend one of these sessions which were delivered by an external trainer.

3.2.2 As the content of Codes of Conduct and Arrangements for dealing with breaches of Codes are decided upon locally (within the requirements of the Localism Act 2011), the training sessions were tailored to cover the new Code and Arrangements adopted by the Council. In particular, the training sessions covered the following topics:

- The Code of Conduct
- Registration and disclosure of interests:
 - Disclosable Pecuniary Interests
 - Personal Interests
 - Sensitive Interests
 - Criminal offences
- Arrangements for dealing with allegations of breaches of the Council's Code of Conduct and of Codes of Conduct adopted by Parish Councils, (the complaints process)
- Sanctions
- Dispensations
- Role of the Independent Person

3.2.3 The training sessions gave attendees the opportunity to discuss topics in smaller groups and raise questions.

3.2.4 Attendance Details are as follows:

NBC Councillors: 14
Parish Council representatives: 14
Officers: 3

3.3 Additional Training for Members of the Committee

3.3.1 Members are asked to advise the Borough Secretary and Monitoring Officer whether following the general training on the 19th November 2011, they consider that they require any specific training in their capacity as Members of the Standards Committee.

4. Implications (including financial implications)

4.1 Policy

4.1.1 N/A

4.2 Resources and Risk

4.2.1 Any additional training requested by Members of the Committee will be resourced through existing budgets.

4.3 Legal

4.3.1 Legal implications are contained in the body of the Report.

4.4 Equality

4.4.1 Not applicable.

4.5 Consultees (Internal and External)

4.5.1 Not applicable.

4.6 Other Implications

4.6.1 Not applicable.

5. Background Papers

5.1 None

6. Report Author

Marianne McCarthy, Corporate and Commercial Solicitor,
mmccarthy@northampton.gov.uk; 0300 330 7000
on behalf of
Francis Fernandes, Borough Secretary & Monitoring Officer
ffernandes@northampton.gov.uk; 0300 330 7000

Appendices: 0



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE REPORT

Report Title	Current level of standards complaints
---------------------	--

AGENDA STATUS: PUBLIC

Committee Meeting Date:	10 th December 2012
Policy Document:	No
Directorate:	Borough Secretary

1. Purpose

- 1.1 To update the Standards Committee on the current level of standards complaints.

2. Recommendations

- 2.1 The Standards Committee is recommended to note the update provided in this Report on the current level of standards complaints.

3. Issues and Choices

3.1 Report Background

3.1.1 The Localism Act 2011 (the “2011 Act”) has made significant changes to the standards regime in local government. Standards for England and the old Model Code of Conduct for Councillors have been abolished.

3.1.2 The Act required Councils including Parish Councils to adopt locally agreed Codes of Conduct governing elected and co-opted members’ conduct which are consistent with principles contained in the 2011 Act. Parish Councils may adopt the same Code that their district Council has adopted.

3.1.3 The Localism Act required that the Council adopt “arrangements” for dealing with complaints of breaches of the Code of Conduct both by District Council members and by Parish Council members.

3.1.4 On 21st June 2012, the Council therefore adopted:

- a new Code of Conduct; and
- Arrangements for dealing with allegations of breaches of the Council's Code of Conduct and of Codes of Conduct adopted by Parish Councils.

3.1.5 The Code of Conduct and the Arrangements came into effect on 1st July 2012.

3.1.6 The Council's Arrangements for dealing with complaints of alleged Councillor misconduct require the Monitoring Officer to make an initial assessment of any complaint received and decide whether:

- it warrants investigation
- it may be suitable for alternative resolution without investigation; or
- it doesn't warrant any further action.

The Monitoring Officer can consult with an "Independent Person" in making this initial assessment.

3.1.7 Transitional arrangements enable Councils to deal with certain complaints about Councillor conduct that were made before 1st July 2012 (ie. before the new standards arrangements came into force), under their new Arrangements.

3.2 Current level of complaints

3.2.1 The Council currently has 9 complaints at Initial Assessment stage:

- 3 of these complaints are complaints about Parish Councillors.
 - One of these complaints contains allegations about 2 Parish Councillors.
- The remaining 6 complaints are about Northampton Borough Councillors.
 - 4 of these complaints are related.
 - 1 of these complaints contains allegations about 3 Borough Councillors.
- 2 of these complaints were received prior to 1st July 2012.

3.2.2 The Committee is asked to note that the complaints that are at Initial Assessment Stage are at varying points within this stage. The new Arrangements enable the Monitoring Officer to inform the Councillor concerned of the receipt and nature of the complaint and invite their comments. Further, where the Monitoring Officer requires additional information in order to come to an initial assessment decision, they may refer back to the complainant for such information, and may request information from the Councillor who is the subject of the complaint. Therefore, some of the complaints referred to above have been recently received, whereas others may have been subject to a preliminary review and are now awaiting receipt of further information to enable the Monitoring Officer to make an initial assessment decision.

3.2.2 1 complaint is currently the subject of an investigation. An independent investigator has been appointed. This complaint was received prior to 1st July 2012.

3.2.2 3 further related complaints have been received since the commencement of the new Arrangements on 1st July 2012. In each of these 3 cases, the Monitoring Officer concluded at the initial assessment stage that the complaint did not warrant any further action.

4. Implications (including financial implications)

4.1 Policy

4.1.1 N/A

4.2 Resources and Risk

4.2.1 None specifically arising from this Report.

4.3 Legal

4.3.1 Legal implications are contained in the body of the Report.

4.4 Equality

4.4.1 4.4.1 None specifically arising from this Report.

4.5 Consultees (Internal and External)

4.5.1 Not applicable.

4.6 Other Implications

4.6.1 Not applicable.

5. Background Papers

5.1 None

6. Report Author

Marianne McCarthy, Corporate and Commercial Solicitor,
mmccarthy@northampton.gov.uk; 0300 330 7000
on behalf of
Francis Fernandes, Borough Secretary & Monitoring Officer
ffernandes@northampton.gov.uk; 0300 330 7000