

## STANDARDS COMMITTEE

**AGENDA STATUS: PUBLIC**

<b>Report Title</b>	<b>Annual Report of the Standards Committee</b>
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<b>Date of Meeting:</b>	13 <sup>th</sup> June 2011
<b>Directorate:</b>	Borough Solicitor & Monitoring Officer
<b>Ward(s)</b>	All

### 1. Summary

This report informs members about Key Information relating to the Standards Committee such as Membership and Meetings of the Standards Committee, Local Handling of Complaints, Promotion of the Ethical Framework and training.

The statistical analysis of the data prepared by the Monitoring Officer relates to the complaints made to Standards Committee about a Member. Historically data was submitted to Standards for England through quarterly and annual returns however this practice is no longer in operation. Therefore for now, the data merely informs members about case activity and the Committee's arrangements for supporting ethical governance.

There is also an update on the future of the Standards Regime.

### 2. Recommendations

The Committee is asked to note the contents of this report.

### 3. Key Information

#### 3.1 Membership of the Standards Committee

The Standards Committee has nine members, consisting of four Northampton Borough Council Councillors (Cllrs P Flavell, B Glynane, J Capstick, and B Eldred) and five co-opted members, three of whom are independent members, Mr Ian Harley, Mr Trevor Morris and Mrs Zillah Turner and two parish Council members, M Edwards and D Hughes. The Committee is chaired by one of the independent members Mr Ian Harley, who has served on the Committee since 2007. The vice-chairman is Trevor

Morris who was appointed to the Committee in 2008. Z Turner became an independent member of the Committee in 2010. The parish representatives D Hughes and M Edwards were both appointed in 2006 and 2007 respectively.

### **3.2 Meetings of the Standards Committee**

The Standards Committee meets quarterly. Sub-Committee meetings additionally take place as necessary to assess, review and hear complaints that have been made against parish and Borough Councillors under the Code of Conduct.

### **3.3 Local Handling of Complaints**

During 2010/11 there were three new complaints made against Northampton Borough Councillors however one of these was a complaint against a Northampton Borough Councillor in his capacity as a Northampton County Councillor and Northampton County Council Standards Committee confirmed in April 2011 that there had been no breach by the Councillor in respect of any of the allegations brought by the Complainant.

The remaining two complaints were the subject of Initial Assessment hearings by Northampton Borough Council Standards Initial Assessment Sub-Committee.

In the first case the complainant was asked to provide more information. The complainant did not do so and the Sub-Committee decided to take no further action in relation to the complaint.

In the second case, the Initial Assessment Sub-Committee asked the Monitoring Officer to meet with both the complainant and the subject member to carry out the recommendations of the Sub-Committee. However, the subject member was not successful in seeking a further term as a Councillor at the recent election and is therefore no longer a member of the Council. Accordingly the Monitoring Officer is considering the impact of this on the other action he has been asked to take in this case.

The Sub-Committee was not asked to review any of its decisions during 2010-11 and there have been no reviews held on behalf of another authority

### **3.4 Promotion of the Ethical Framework**

In April 2010 the Committee filed its Annual Return with Standards for England as required by regulation. The Return provided information on 46 questions covering the full array of the Committee's role and responsibilities, including:

- (i) publicising the complaints process;
- (ii) investigations conducted;
- (iii) training and support to members;
- (iv) relations with parish/town Councils;
- (v) influence on ethical issues within the Council.

The Committee used the criteria against which it was assessed under the Annual Return to determine areas in which it could improve upon its performance.

Additionally, the Committee has needed to file Quarterly Returns to Standards for England with details of the complaints considered along with the outcomes and timescales in which they were handled. The requirement to file Annual and Quarterly Returns was discontinued in mid 2010.

The Committee has updated its advice note to Councillors on ethical issues that were likely to arise for the Council and its members during the run up to the election. This note was intended to raise awareness of the restrictions facing the Council once notice of an election had been given and to provide helpful information to Councillors on how inadvertent breaches of the Code of Conduct may be avoided over this period. Revisions to the note clarified issues raised by Councillors in previous years and guidance was given in relation to the new Publicity Code.

### **3.5 Training**

The Monitoring Officer is mindful that the future of the present Code of Conduct is subject to review by the forthcoming Localism Bill. In view of this, the Committee's training programme for parish clerks/Councillors has been held in abeyance although contact was requested from parish clerks regarding their training needs. Response from Parish Clerks was limited.

Committee will find attached as **appendix 1** the Communications Strategy which was discussed at last year's annual meeting and the Committee is asked to consider and discuss what items in the strategy are to receive priority in the coming months.

Following the Borough Council elections on 5 May 2011 training was provided to newly elected Members on the Code of Conduct as part of their induction. The training focused on the requirement to register interests under the Code particularly in relation to attendance at committee meetings and Councillors were shown the Standards for England DVD publication. The Chair of this Committee attended the second session of the training. The training was well received by those Councillors who did attend however it is to be noted that attendance could have been higher. A briefing note will be supplied to re-elected Members to provide a refresher on pertinent Code of Conduct issues. The second part of the induction training on the Code of Conduct will be held on 23 June.

### **3.6 Future of the Standards Regime**

During the course of the year the Committee has tracked the changes being debated and proposed for the future of the Code of Conduct and Standards Committees.

It is known that Standards for England (formerly the Standards Board) will be dissolved. As a consequence, Standards Committees have been instructed that Standards for England will reduce its involvement in complaints handling and its support role.

Of most significance, however, are the proposals for change to be brought about through the Localism Bill. At this stage, the Bill provides that it will be optional for

Councils (including Parish Councils) to have a Code of Conduct. Where a Code is adopted there will be a duty for any complaint made under the Code to be investigated although the Council will have discretion as to how this is achieved. It is unclear what, if any, sanctions will be available for a failure to comply with the Code.

The Bill allows for the Secretary of State to make regulations requiring the Monitoring Officer to keep and publicise a Register of Member's Interests. It is proposed for it to be a criminal offence for a Councillor to:

- (i) fail to register a financial or other interest , as prescribed;
- (ii) fail to declare any interest that arises in Council business before taking part in a meeting;
- (iii) take part in Council business when a prohibition or restriction applies.

There would be a defence if the failure in (i)–(iii) was due to “reasonable excuse”. A conviction would be punishable in the Magistrates Court by a fine of up to £5,000. The Court would also have power upon conviction to disqualify a Councillor from any authority for up to 5 years.

It is still possible that there may be a requirement for Councils to have a Standards Committee. There will almost certainly be a statutory duty for all Councils to promote high standards of behaviour within their authority. Consideration will be needed as to whether this Council retains a Code of Conduct and the Committee will make its recommendations to Full Council in due course following consultation with other Standards Committees.

A copy of the Chair of the Standards Committee's submission to the Community Secretary with regards to the abolition of the Standards Regime, which was discussed at the quarterly meeting of this Committee in March, is also included as **appendix 2**.

This submission recorded this Committee's concerns about the decision of the Government to abandon the standards scenario and thereby removing independence from committees. This Committee was keen to impress upon the Government that although it understood that the economic situation had to be addressed by cutting public sector expenditure with an impact upon the Standards Regime this Committee wanted the Localism Bill Committee to accept that **independent local standards committees** should not be abolished and that the expectations of the public regarding ethical behaviour of elected Councillors continue to be met through adherence to a published code of conduct.

By way of illustration, public Servants such as the Independent Police Complaints Commission generally operate within enforced codes of behaviour answerable to independent bodies. There would be no public support for the abolishment of that Commission on the basis that many complaints against police result in no further action and this Committee wanted to query why elected politicians should not be subjected to investigation of alleged breaches of expected conduct by an independent entity, particularly as they both collectively and individually wield far more power and influence than Police.

#### **4. Implications (including financial implications)**

##### **4.1 Resources and Risk**

None, other than appear in this report

##### **4.2 Legal**

None, other than appear in this report

##### **4.3 Other Implications**

None, other than appear in this report. There is no requirement to carry out an Equality Impact Assessment because this report does not raise any issues relevant to the equalities enactments.

#### **5. Background Papers**

None

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