



NORTHAMPTON
BOROUGH COUNCIL

Item No. 9

Name of Committee:	STANDARDS
Meeting Date:	10 July 2007
Directorate:	Finance, Governance and Citizens
Corporate Manager:	Francis Fernandes Solicitor to the Council

Report Title	Update on National Position
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Recommendations

- (1) Bulletins 32 and 33 are attached for the information of Members of the Committee.
- (2) That the report be noted.

1. Background

- 1.1 The Bulletins provide an update on the recent work and advice from the Standards Board.
- 1.2 The Bulletins will normally be forwarded to members as published by the Standards Board.

2. General

- 2.1 The main theme of both Bulletins is the New Code of Conduct which came into force on 3 May 2007 (which will require formal adoption by the Council no later than 1 October 2007) and also the provisions of the Local Government and Public Involvement Health Bill which will impact on the work of the Committee.
- 2.2 The Local Government and Public Involvement in Health Bill will in the main provide:-

- for local Standards Committees to deal with the receipt and determination of allegations of breach of the Code of Conduct by Members
- for Standards Committees to provide information to the Standards Board about referrals and actions
- the Code of Conduct to cover unlawful actions undertaken at any time
- for the Secretary of State to make regulations in which the Standards Board can suspend a Standards Committee from deciding whether allegations should be investigated
- joint working for some or all of their responsibility
- powers to allow the creation of sub-committees to deal with any functions of a Standards Committee
- for the relaxation of report confidentiality requirements to allow information to be shared with Standards Committee
- for a Standards Committee to refer a report to the Adjudication Panel if it considers the sanctions available to it are insufficient
- that the Adjudication Panel's sanctions be widened to include lower sanctions to enable it to deal with any reports referred to it

2.3 The Standards Board has also confirmed that Ethical Standards Officers are able to issue directions to help resolve local problems where an investigation is not appropriate. It is considered that directions can be a useful way of tackling complaints where problems within a Council may be the cause of a members alleged misconduct. Circumstances where a direction may be more appropriate include where past investigations were ineffective in addressing persistent problems, personal conflict between members – tit for tat behaviour, allegations that appears to demonstrate a general lack of understanding of Council procedure/requirements of Code. A direction to the Monitoring Officer may include a review of procedures to make them more robust, arranging guidance or training, arranging medication.

2.4 The Standards Board believe that the new Code is clearer and simpler to understand. The major changes can be summarised as follows:-

- Definition of a **Personal Interest** has been relaxed.
- **Dual hatted members** will benefit from changes regarding declarations of interests.
- **Prejudicial Interests** only arise if a matter affects a member of their family or a close associate if it relates to their finances, concerns regulatory functions ie (Planning, Licensing), having knowledge that a reasonable member of the public would believe the public interest would be impaired.

- **Gifts or hospitality** over the value of £25 must now be included in the members register of interests.
- The **unlawful discrimination provision** has been replaced by a duty not to do anything that may cause the authority to breach its statutory duties under equality laws.
- A new provision prohibiting **bullying**.
- A new provision to **prevent intimidation** or attempting to intimidate anyone involved in an investigation.
- the Code does not incorporate the Ten General Principles of Public Life but members are required to read the Code together with the principles.
- Subject to the enactment of the Local Government and Public Involvement Health Bill, the Code will apply where criminal activity has been committed in a private capacity, but not in relation to other conduct which solely concerns a members private life.
- The ban on disclosing confidential information has been relaxed to allow disclosure to a third party for the purpose of obtaining professional advice and where it is reasonable in the public interest, made in good faith and does not breach the reasonable requirements of the Council.

3. Statistics

The most up to date statistics available at the time of writing this report are contained within Bulletin 33.

Complaints received by the Standards Board:-

1/4/06 – 31/3/07 – 3549 allegations

1/4/05 – 31/3/06 – 3836 allegations

The main facts of interest are as follows:-

Source of Allegations – 62% from members of the public

Allegations referred for investigation – 81% not referred

Type of Authority in allegations referred for investigation - 42% Parish Councils
- 28% District Councils

Final Findings – No further action - 54%

No evidence of breach – 39%

Referred to Adjudication Panel 3%

Referred to Monitoring Officer for Local Determination 4%

4. Summary

Any further updates since the date of writing this report will be reported verbally to the Committee.

J Buckler
2/7/07