

# **NORTH LINCOLNSHIRE COUNCIL**

## **STANDARDS COMMITTEE**

### **ANNUAL REPORT**

**2009/10**

This report looks at the work and activities of the Standards Committee during the Municipal Year 2009/10.

#### **Personal statement by Chair?**

#### **Membership**

In accordance with statutory requirements the committee comprises 12 members, 6 of these are members of North Lincolnshire Council, 3 are Independent Members and 3 are parish representatives.

The following served on the committee for the 2009/10 municipal year.

- Councillor Sue Armitage (Labour)
- Councillor Andrea Davidson (Labour)
- Councillor Steve Swift (Labour) (vice chair)
- Councillor David Whiteley (Labour)
- Councillor John England (Conservative)
- Councillor Neil Poole (Liberal Democrat)
- Mr David Cuckson Independent Member
- Mr Paul Kelly Independent Member
- Mr Wayne Harvie Independent Member (Chair)
- Councillor Yvonne Aubrey Parish Representative
- Councillor John Kitwood Parish Representative
- Councillor Richard Nixon Parish Representative

North Lincolnshire Council members are appointed at the Annual Meeting each year. Independent members were selected following public advertisement. Parish representatives were selected by ballot by the town and parish councils. Independent members and parish representatives serve for a 4 year term which ends in September 2011.

## **Role of Committee**

The main role of the Standards Committee is to promote and maintain high standards of conduct, to set an example to other bodies it works with and to the community at large. The Standards Committee will promote, educate and support members in following the highest standards of conduct and ensuring that those standards are fully owned locally.

The role is not just about enforcing the Code it is also about relationships both internally between members and staff and externally with the public and other stakeholders.

## **Terms of Reference**

- (a) Promoting and maintaining high standards of conduct by councillors, co-opted members and church and parent governor representatives.
- (b) Assisting the councillors, co-opted members and church and parent governor representatives to observe the Members Code of Conduct.
- (c) Advising the Council on the adoption or revision of the Members Code of Conduct.
- (d) Monitoring the operation of the Members Code of Conduct.
- (e) Advising training or arranging to train councillors, co-opted members and church and parent governor representatives on matters relating to the Members Code of Conduct.
- (f) Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements relating to interests set out in the Members code of Conduct.
- (g) Dealing with any reports from a case tribunal or interim case tribunal, and any report from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer to the Monitoring Officer.
- (h) The exercise of paragraphs (a) to (g) above in relation to the town and parish councils wholly or mainly in its area and the members of those town and parish councils.
- (i) To consider any complaints relating to an alleged breach of the members' Code of Conduct in accordance with such procedures as the Committee may agree from time to time.
- (j) To make such determinations in respect of those complaints as may be appropriate in accordance with such procedures as the Committee may agree from time to time.

- (k) To deal with the grant of exemptions from political restriction in respect of any post holder and give directions on any post to be included in the list of politically restricted posts maintained by the authority.

Additionally to these core functions the Standards Committee receives the annual report from the Local Government Ombudsman and passes comment on revisions to the locally adopted Employees Code of Conduct/Code relating to the declaration of interests, hospitality and gifts and practice rules for Planning and Licensing Committees.

### **Code of Conduct**

Its main operational function is to deal with complaints received by North Lincolnshire Council in respect of members not only of the council but of the 52 town and parish councils in the area of North Lincolnshire. All of the members of those councils are subject to the Members Code of Conduct (2007 version) which sets out general obligations which have to be met by members when acting within their official capacity (or at any other time where that conduct constitutes a criminal offence for which the member has been convicted), when personal or personal and prejudicial interests have to be declared and the registration of relevant interests in a register kept by the council. The Committee has set up processes and procedures in line with legislative requirements and guidance from Standards for England to deal with complaints through the assessment, review and determination stages by way of ad hoc sub committees.

The Committee approved one application from a parish council for dispensation for members to enable the council to deal with financial issues concerning the Village Hall committee.

### **Complaints**

During the municipal year 2009/10 8 new complaints were received involving 9 members, 1 complaint was against 2 members and 1 member was the subject of 2 complaints. All of the complaints related to either members of town/parish councils or members of North Lincolnshire Council in their capacity of town/parish councillors. All except 1 had passed through the assessment process by the end of the period of this report. All were referred in whole or in part for investigation (the investigations are currently in progress) with the exception of 2. The review period for 1 complaint has expired and a review meeting is being arranged for the other.

The complaints related to failure to treat with respect, failure to declare interests, bringing the council into disrepute etc. 5 of the complaints related to a Town Council and 2 others to a parish council. 4 of the complaints were brought by one member of the public. During the period in question, 5 determinations were made. 3 resulted in findings of no breach of the Code whilst the other 2 resulted in findings of failure to declare interests leading to a censure sanction (with training requirements in one case).

No matters were referred to Standards for England for investigation and there were no matters the subject of proceedings before the Adjudication Panel (now the First Tier Tribunal (Local Government Standards in England)).

With the exception of 3 complaints which were dealt with by Standards for England in the previous year all investigations are being carried out 'in house'. There are significant cost savings resulting from this approach but it does mean staff have to be diverted from their core duties to accommodate this. Some investigations have taken a significant time to complete which has been the result of work pressures and also delays by parties in responding to requests for interviews, checking statements etc. The latter point has been addressed to some extent by the Committee agreeing a time schedule for investigations. The Committee is acutely aware of the tension caused to all parties by investigations and determinations not being dealt with in as timely a manner as possible whilst also preserving the need for thoroughness and has determined to keep the situation under review.

### **Other Issues**

During this period the Committee has looked at approaches taken by other authorities.

It had regard to the steps taken by the 6 authorities shortlisted for the Local Government Chronicle Standards and Ethics award covering issues relating to Engaging Leadership, Training and Skills for Members, Communicating with Staff and Stakeholders, Increasing Confidence in Democracy and Working in Partnership with other Authorities. It also considered the report prepared by the University of Hull and Teeside University entitled Assessing the impact of Standards Committees.

It reviewed the responses made in its Annual Return to Standards for England and also that body's annual review entitled Local Standards, National Perspectives.

Arising out of these considerations it has embarked on a work programme which will involve - enhancement of the councils website (including discussions concerning the publication of the register of members interests), the committee preparing an annual report (previously a Monitoring Officer's report), meetings between the Chair and the Chief Executive, Group Leaders and Whips, presentation of the annual report by the Chair to council, relevant articles on standards matters to appear in Direct magazine along with wider distribution of bulletins from Standards for England. All of the above are aimed at promoting and publicising the work of the committee and giving standards a high profile both within and outside the authority.

The Committee also received updates from the Independent Members regarding issues discussed at the Yorkshire and Humber Regional Independent Members Meeting.

The Committee has also concerned itself with training. Standards form part of the current corporate training programme for members of North Lincolnshire Council, 2 sessions are held a year. In the past various attempts have been made at training for town/parish members including sessions at the quarterly Town and Parish Liaison meeting. During this period however a pilot training session for town/parish clerks

was held. The event proved successful and consideration is being given as to how this can be developed further.

A joint training exercise for investigating officers is being looked into with North East Lincolnshire Council involving a private sector partner with a speciality in this area.

The Committee has also undertaken a number of the scenarios developed by Standards for England as training exercises. Bulletins from Standards for England have continued to be emailed to all Committee members for information.

The Committee has also discussed the review of the local standards framework undertaken by Standards for England "Local Standards 2.0 - the proportionality upgrade" which was passed to the former Government for consideration. The proposals covered - simplifying and streamlining the investigative process, deterring trivial complaints, closing down an investigation, enhancing members' 'right to know' publishing decision records, the cost of the local framework, the local framework and high standards, the members' code of conduct and the role of the national regulator. Members had serious concerns with some of the proposals especially the increased onus that would be placed on the Monitoring Officer and Chair of the Committee if adopted.

It also noted the proposal to introduce Relationship Managers to liaise with local authorities. The regularity of such liaison depending on the risk category - low, medium, high - to which the authority had been assigned.

The Committee also had regard to the annual report from the Local Government Ombudsman for the year ended 31 March 2009. It noted that there had been no findings of maladministration and that the average response period to complaints had been 26.4 days against a national target of 28 days.

### **The Future**

As previously mentioned the Committee has a full work programme both in improving its core operational role especially in relation to investigation time scales and also in developing further its promotional role of advancing and championing standards.

However with the announcement by the Coalition Government of the abolition of the Standards Board regime there will be some uncertainty as regards the future. Until such time as this is clarified the Committee will continue with its work programme.