

NORTH LINCOLNSHIRE COUNCIL

COUNCIL

STANDARDS COMMITTEE - ANNUAL REPORT 2012/2013

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To receive the report of the Standards Committee under the Council's revised Standards regime for the period 1st July 2012 to 30 June 2013.

2. BACKGROUND INFORMATION

- 2.1 The Localism Act 2011 saw the wide-spread revision of the previous statutory Standards regime including the abolition of Standards for England and much of the supporting legislative framework. The Council's new Standards regime came into force on 1 July 2012. The attached report details the work and activities of the Standards Committee under the revised regime for the period 1 July 2012 until 30 June 2013.
- 2.2 The report is presented to Council in accordance with the requirements of the Council's Annual Governance Statement.
- 2.3 The report was approved by the Standards Committee at its meeting on 17 July 2013 with a request that the Monitoring Officer provide a copy to all Town and Parish Councils in the area.

3. OPTIONS FOR CONSIDERATION

- 3.1 There are no options associated with this report.

4. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 4.1 There are no resource implications associated with this report.

5. OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 5.1 No integrated impact assessment is required for this report given its nature.

6. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

- 6.1 The Standards Committee approved the report at its meeting on 17 July 2013 and requested that a copy be immediately provided to all Town and Parish Councils in the area. This has been attended to and no comments have been received.

7. RECOMMENDATIONS

- 7.1 That the report of the Standards Committee for the period 1 July 2012 to 30 June 2013 be received.

DIRECTOR OF POLICY AND RESOURCES

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Date: 1 November 2013

Background Papers used in the preparation of this report: Annual Report of the North Lincolnshire Council's Standards Committee 2012/2013

NORTH LINCOLNSHIRE COUNCIL

STANDARDS COMMITTEE

ANNUAL REPORT

2012/13

This report represents the first annual report of the Standards Committee under the Council's revised Standards regime following the Localism Act 2011 and covers the period 1 July 2012 to 30 June 2013.

Membership

The Council determined that a Committee comprising seven elected members and two non-voting co-opted members should be established to oversee its revised Standards regime. In addition, both Independent Persons would be invited to attend each Committee. Accordingly the following served on the Committee from 1 July 2012 to the end of the municipal year 2013:

Councillor Neil Poole (Conservative) (Chairman)
Councillor John England (Conservative) (Vice – Chairman)
Councillor Peter Clark (Conservative)
Councillor David Wells (Conservative)
Councillor Andrea Davison (Labour)
Councillor Steve Swift (Labour)
Councillor David Whiteley (Labour)
Mr Wayne Harvie (non-voting co-opted Member)
Mr Paul Kelly (non-voting co-opted Member: since stood down from 14 May 2013)

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.

Under the Council's revised Arrangements, the Committee convenes, as appropriate, sub committees in the form of Assessment Panels to consider complaints and Determination Panels to determine complaints that have been investigated.

Under the revised Standards regime the Council retains responsibility for receiving and determining complaints against Town and Parish Council members.

Terms of Reference

- (a) Promoting and maintaining high standards of conduct by members and co-opted members as defined under section 27 of the Localism Act 2011 ('Act').
- (b) Assisting members and co-opted members to observe the Code of Conduct adopted by the Council pursuant to section 28 of the Act.
- (c) Advising the Council on the amendment or revision of the Code of Conduct and the appointment or removal of the Independent Person/s.
- (d) Monitoring the operation of the Code of Conduct and the 'Arrangements' and making appropriate revisions to the 'Arrangements' as considered necessary.
- (e) Advising, training or arranging to train members, co-opted members and Independent Person/s on matters relating to the Code of Conduct and the Arrangements.
- (f) Granting dispensations to members and co-opted members pursuant to the provisions of section 33 (b), (c) and (e) of the Act and on such other grounds as referred by the Monitoring Officer.
- (g) Dealing with any referrals as considered appropriate by the Monitoring Officer and to receive regular reports from the Monitoring Officer on the discharge of any delegations afforded to that position.
- (h) To consider any complaints relating to an alleged breach of the Code of Conduct in accordance with the 'Arrangements' and to convene, as appropriate, sub-committees ('Assessment Panels') to consider such matters.
- (i) To make determinations in respect of complaints that members and co-opted members of the Council and Parish and Town Councils in the area may have breached the Code of Conduct and to convene, as appropriate, sub-committees ('Hearings Panels') to consider such matters and to impose, or recommend the imposition of, the sanctions detailed in the 'Arrangements'.
- (j) 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.

Additional to these core functions the Standards Committee receives the Annual Report of 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 good practice rules for Planning and Licensing Committees.

Code of Conduct

Under its revised regime the Council developed and adopted its own locally based Code of Conduct which is compliant with the Nolan principles and incorporated the statutory requirements concerning Disclosable Pecuniary Interests. Although free to adopt their own Codes of Conduct, all of the Town and Parish Councils in the area elected to adopt the Council's Code of Conduct which it is hoped will encourage uniform and consistent application across the area.

Complaints

During the period covered by this report 15 new complaints were received involving members.

Eight complaints related to members of Town and Parish Councils and seven related to members of North Lincolnshire Council. All but two had passed through the Council's assessment process by the end of the period of this report. Three had been referred for investigation. Two had been referred for external assessment.

Out of the eight Town and Parish complaints two referred to Parish Councillors and six to Town Councillors.

Of the complaints referred for investigation one was against North Lincolnshire Council members and two were against Town Councillors.

The two complaints referred for external assessment were against members of North Lincolnshire Council.

The complaints related to a wide range of alleged breaches of the Code of Conduct including failure to treat with respect and courtesy; bullying or intimidation, disrepute, using their position as a member to improperly confer an advantage, compromising the impartiality of officers and failure to declare interests.

In addition the committee inherited four complaints made under the pre-July 2012 regime. Three of these related to members of Town Councils and one related to a member of North Lincolnshire Council. These had all been determined by the end of the period covered by this report.

Three of these complaints were found not to have amounted to breaches of the 2007 Code of Conduct. The fourth had resulted in a finding of a breach of the Code of Conduct but that no action should be taken. These complaints related to allegations of failure to declare interests, bullying and disrepute.

Other Issues

The Council and the previous statutory Standards Committee had received regular reports on the passage of the then Localism Bill through parliament and its subsequent enactment as the Localism Act 2011 on 15 November 2011. The Act prescribed that the existing statutory regime would come to an end on 30 June 2012 to be replaced by locally developed Standards arrangements on 1 July 2012.

During this transition period the Council, through the statutory Standards Committee, continued to discharge the outgoing statutory regime but at the same time adopted a series of measures to ensure that it was in an advanced state of preparedness to have in place a revised Standards regime from 1 July 2012. One of these measures was to establish at Council on 21 February 2012 a cross party Localism Act 2011 (Standards Arrangements) Committee comprising elected members of the statutory Standards Committee to oversee its revised Standards regime and make appropriate recommendations to Council thereon.

As of 1 July 2012 the Council had in place a fully compliant, locally developed, revised Standards regime comprising the following:

- a revised Code of Conduct, incorporating Disclosable Pecuniary Interest requirements.
- a revised register of members' interests which is held electronically.
- a full set of 'Arrangements' detailing how complaints can be made against members and how they will be handled.
- appointed two Independent Persons, Mr J Goolden and Mr R Johnson, to comment on complaints made.
- established a new Standards Committee to oversee its new Standards regime.

The contribution of members of the Committee, both past and present, should be rightly acknowledged in the Council having in place by 1 July 2012 its revised Standards regime.

The immediate focus of the Committee was to ensure that all elected members and Town and Parish Council representatives received training on the new regime and in particular the revised Code of Conduct and Disclosable Pecuniary Interest Regulations. Accordingly, the Monitoring Officer, personally, provided the following schedule of training:

21 and 25 June 2012 - elected members.

12 July 2012 - Standards Committee.

19 July 2012 - Town and Parish Council Liaison Committee.

23 July 2012 at the Civic Centre, 24 July 2012 at Crowle Community Centre and 25 July 2012 at The Angel, Brigg - Town and Parish Clerks and ERNLLCA.

Although under the Act Town and Parish Councils had the option to adopt their own Codes of Conduct, it is pleasing to note that all 52 Town and Parish Councils have adopted the Council's Code of Conduct.

Throughout the year the Committee has continued to receive updates on complaint activity and updates generally on Standards related issues, perhaps the most significant being the adoption of a protocol with Humberside Police on how complaints concerning Disclosable Pecuniary Interests will be handled. Also, officers within Legal and Democratic Services have undertaken specialist training on standards investigations.

Will Bell
Monitoring Officer
June 2013