

**NORTH LINCOLNSHIRE COUNCIL**

**COUNCIL**

**STANDARDS COMMITTEE - ANNUAL REPORT 2011/2012**

**1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To receive the Annual Report of the Standards Committee under the previous statutory regime for the period May 2011 to June 2012

**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 previous statutory regime until its end on 30 June 2012.
- 2.2 The report is presented to Council in accordance with the requirements of the Council's Annual Governance Statement.
- 2.3 The first annual report of the work and activities of the Standards Committee under the new regime will be presented to the Standards Committee for approval on 17 July 2013 and for subsequent receipt by Council.

**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 27 March 2013 and also approved its submission to Council at the next available opportunity. It is intended, following receipt by Council, that a copy of the report is circulated to all Town and Parish Councils in the area.

**7. RECOMMENDATIONS**

7.1 That the annual report of the Standards Committee for 2011/2012 be received.

DIRECTOR OF POLICY AND RESOURCES

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Date: 2 July 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

2011/12

This report looks at the work and activities of the Standards Committee during the period May 2011 to June 2012.

#### **Membership**

In accordance with statutory requirements the committee comprised 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 2011/12 municipal year.

Councillor John England (Conservative)  
Councillor Neil Poole (Conservative)  
Councillor David Robinson (Conservative)  
Councillor David Wells (Conservative)  
Councillor Andrea Davison (Labour)  
Councillor David Whiteley (Labour)  
Mr Wayne Harvie (Independent Member (Chairman))  
Mr David Cuckson (Independent Member) (Vice – Chairman)  
Mr Paul Kelly (Independent Member)  
Mrs Yvonne Aubrey (Parish Representative)  
Mr John Kitwood (Parish Representative)  
Mr 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 were to serve for a 4 year term which ended in September 2011. However given the Government's intention to abolish the "Standards Board regime" through the Localism Bill the Council agreed to extend their period of office until such time as any outstanding complaints under the Code of Conduct had been dealt with.

#### **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.

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.

The Ombudsman's Annual report for 2011 - 2012 was to be considered by the new Standards Committee once published.

### **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.

### **Complaints**

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

Six complaints related to members of Town/Parish Councils and seven related to members of North Lincolnshire Council. All had passed through the assessment process by the end of the period of this report, only one of which was referred for investigation.

Out of the six town/parish complaints two referred to parish councillors and four to town councillors.

The only complaint referred for investigation was that against a North Lincolnshire Council member, which was determined by a Determination Sub – Committee on 28 June 2012.

Three complaints had been referred to the Monitoring Officer for other action. By the end of the period covered by this report he had reported back to an Assessment Sub Committee on two of these following which the cases had been closed.

Two matters were referred to Standards for England for investigation which had deemed that no investigation was necessary in either case and there were no matters the subject of proceedings before the First Tier Tribunal (Local Government Standards in England).

The complaints related to failure to treat with respect, failure to declare interests, bringing the council into disrepute, bullying etc.

The sole investigation undertaken was carried out internally by an officer from legal services.

### **Other Issues**

The Committee continued to focus on the pending wide-ranging revisions to the existing statutory regime with the passage through Parliament of the Localism Bill. In November 2011 the Localism Act 2011 came into force and as anticipated introduced wide sweeping reform of the existing statutory regime. In particular, the Act abolished the existing statutory Standards regime along with Standards for England. It also heralds the dissolution from 1 July 2012 of the requirement to have an independently chaired Standards Committee and requires Councils to put in place their own locally produced Codes of Conduct and "arrangements" for dealing with complaints. It also introduced the requirement for 'Independent Persons' to be appointed to comment on complaints and perhaps, most significantly, the concept of 'Disclosable Pecuniary Interests' that members are required to register and disclose for which failure carries possible criminal sanction.

One issue that invited a lot of Parliamentary discussion was the position of Town and Parish Councils and the arrangements for the investigation of complaints concerning Town and Parish members. In the end the Act reinstated the previous position that principal Councils would retain responsibility for considering and investigating such complaints.

In light of such the Committee was keen to ensure that throughout the preparatory stages of its new Standards regime, regular consultation and dialogue was maintained with Town and Parish Councils and their Clerks and that in addition to its own elected members, training was provided to Town and Parish Council members also.

Detailed reports on the implications of the Act were received by the Committee at all of its meetings during the year and by full Council at its meeting on the 15 May 2012 so that by the 1st July 2012 the Council will have in place a fully compliant revised Standards regime. In particular, this includes the appointment as Independent Persons of Mr J Goolden and Mr R Johnson.

Alongside the new provisions the Committee continued to discharge its obligations under the existing regime and receive regular reports on complaint activity.