

# NORTH LINCOLNSHIRE COUNCIL

## STANDARDS COMMITTEE

### ANNUAL REPORT

2010/11

This report looks at the work and activities of the Standards Committee during the Municipal Year 2010/11.

#### **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 2010/11 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 were to serve for a 4 -year term which ends 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 have 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.

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 good practice rules for Planning and Licensing Committees.

As referred to above the Local government Ombudsman's report for the year ending 31 March 2011 is enclosed as Appendix 1. In particular, there have been no findings of maladministration. Unlike in previous years the average response time of the council to complaints has not been recorded although that of authorities in generally (provisionally) has.

### **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 municipal year 2009/10 9 new complaints were received involving members, 7 complaints related to members of town/parish councils and 2 related to members of North Lincolnshire Council. All except 2 had passed through the assessment process by the end of the period of this report. None had been referred for investigation 6 had been the subject of reviews, none of which had resulted in an investigation

The complaints related to failure to treat with respect, failure to declare interests, bringing the council into disrepute etc. 6 of the complaints related to a Town Council and 1 to a parish council. 6 of the complaints were brought by one member of the public. During the period in question, 2 determinations were made. Both resulted in findings of no breach of the Code.

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)).

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**

The main issue considered during the year was the future of the Standards Regime and of the committee following the enactment of the Localism Bill, which had been progressing through Parliament during the year. The Bill would remove the requirement for councils to have standards committees and to adopt the model code of conduct. The Bill is expected to be enacted in late 2011 or early 2012. The present regime will continue to function, considering, investigating and determining allegations of misconduct until a fixed date (the appointed day) which will probably be two months after the Bill receives Royal Assent.

Until the appointed day, allegations of misconduct can still be made. Any investigations and appeals pending will be the subject of transitional arrangements that will need to be put in place.

The committee, after lengthy consideration of the matter, decided to publish the member register of interest on its website. Parish and town councils and the East Riding and Northern Lincolnshire Local Councils Association (ERNLLCA) were consulted as to whether they supported the publication of their own members' register on the site and were divided on the matter.

The committee were keen to support town and parish councils on standards matters and to develop links with ERNLLCA. At the July meeting, the committee received a presentation from Alan Barker of the association on its work.

The Committee also had regard to the annual report from the Local Government Ombudsman for the year ended 31 March 2010. It noted that there had been no findings of maladministration and that the average response period to complaints had been 38 days against a national target of 28 days, an increase from 26.4 days the previous year.

### **The Future**

It is not yet known what role, if any, there will be for Standards Committees following the enactment of the Localism Bill. However, as councils will still be required to demonstrate high standards of conduct, it is quite likely that the council will have a

standards committee in some form. The present committee will be consulted on any future arrangements.