
REPORT OF THE STANDARDS COMMITTEE

The Standards Committee met on 13 April 2011.

Present Mrs C Swan (Independent Chairman),
Mr T Elliott (Independent member)
Councillors Daniel, Healy and Stogdon

1. Annual Report of the Standards Committee

1.1 In July 2007 the revised Code of Conduct was adopted by the Council, and all Members were offered training on the new Code. Additionally, the Local Government and Public Involvement in Health Act 2007 introduced changes to ethical standards, which placed additional responsibility on the Standards Committee locally for dealing with complaints of breach of the Code of Conduct.

1.2 In December 2008 the Standards Committee agreed the assessment criteria that would provide additional support and guidance for the assessment and review Sub-Committees when considering complaints.

1.3 Between 1 April 2010 and 31 March 2011 there were four complaints received against Members of the County Council (see Appendix 1 to this report). These complaints were considered by the Assessment Sub Committee. It was decided that the complaints did not constitute a breach of the Code and therefore required no further action. There were two requests for reviews of decisions made by the Assessment Sub Committee. These requests were considered by the Review Sub Committee. In both cases it was considered that there had been no breach of the Code of Conduct and therefore required no further action.

1.4 It is considered that the standards of conduct among Members and co-opted members of the Council remain high and maintaining good standards is taken seriously. There were four cases considered by the Assessment Sub-Committee in the period covered by this report, in comparison to four in the previous period. In comparison to neighbouring authorities the Council's levels of complaints received are relatively low.

Applications for Dispensation

1.5 In limited circumstances, Members can apply in writing to the Standards Committee for dispensations to take part in business that they would otherwise have been unable to participate in through having prejudicial interests. In the period between the last report in May 2010 to date, there have been no applications for dispensations.

1.6 All dispensations are entered on the register of Members' interests and remain there for the appropriate period, normally for 4 years from the date on which they were granted, or (if shorter) until the date fixed by the Committee granting the dispensation.

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Register of Members' Interests

1.7 The Monitoring Officer is required to establish and maintain a register of interests of Members of the Council. All Members have completed and returned their registers and are reminded every six months of the need to notify the Monitoring Officer of any changes. The registers are available for public inspection and details are also available on the website.

1.8 A register of Gifts and Hospitality is also maintained by the Monitoring Officer. During the period of this report five Members have had cause to register one or more gifts and hospitality received with an estimated value of £25 or more.

1.9 There is an ongoing requirement to keep the information up to date. Councillors must within 28 days of becoming aware of any new registerable personal interest or change to any registered interest, give written notification to the Monitoring Officer.

Declarations of Interest

1.10 Members are required to comply with the Code of Conduct in relation to the declaration of personal interests. At each formal Council, Cabinet, committee etc meeting an item is included on the agenda under which councillors have the opportunity to declare any personal interests they have in relation to the matters on the agenda. Any such declarations are recorded in the minutes of the meeting and recorded on a separate register. On occasions, the Monitoring Officer issues general guidance to members in advance of meetings to clarify the position in relation to personal interests. Members also consult the Monitoring Officer to seek guidance in relation to personal interests to ensure that they comply with the Code. There was only one challenge regarding the declaration of personal interests in the past year which is evidence of the understanding Members have in relation to this issue.

Training

1.11 Members were offered training on the Code of Conduct in June 2009, although this was not taken up by all Members. Training attendance is a factor to be considered in any complaint. At the last meeting of the Standards Committee Members acknowledged the need for further Code of Code training for Councillors, particularly as there had been low take up in the past. However it was recognized that due to the Government Policy programme, which includes the measure that the Standards Board regime is to be abolished, it would be best to wait to see what was actually proposed before further training was offered.

1.12 The Committee **recommends** the County Council to –

- ☆ agree the Annual Report

2. Future of the Local Standards Framework

2.1 In December 2010 the Government introduced its Localism Bill to the House of Commons. Clauses 14-20 (inclusive) and Schedule 4 of the Localism Bill provide information as to the Government's proposals in relation to the future of standards in local government.

Abolition of the Standards Board regime

2.2 Clause 14 and Schedule 4 of the Localism Bill implement the Government's promise to abolish the Standards Board Regime in England that was introduced by the Local Government Act 2000, and which currently consists of:-

- A mandatory Model Code of Conduct for members of local authorities;
- Standards Committees of local authorities;
- The Standards Board for England; and
- The jurisdiction of the First Tier Tribunal in relation to local government standards in England

2.3 If Clause 14 and Schedule 4 of the Localism Bill are brought into force in their current form then:-

- None of the functions of the Standards Board for England are to be preserved;
- The power for the Secretary of State to issue a Model Code of Conduct and to specify principles to govern the conduct of members of the Council is to be removed together with the requirement for the Council to establish a Standards Committee;
- The First Tier Tribunal will lose its jurisdiction over local authority member conduct issues.

2.4 One of the amendments to existing legislation contained in Schedule 4 of the Localism Bill relates to Section 3A of the Local Government and Housing Act 1989 which deals with the grant and supervision of exemptions from political restrictions on Council officers. Currently it is the Council's Standards Committee that must consider any application for exemption from a political restriction. Under the Localism Bill the role of the Standards Committee in relation to determining exemptions from political restrictions is passed to the Head of Paid Service.

2.5 The abolition of the Standards Board for England and revocation of the mandatory Code of Conduct for members of local authorities will take place on a date to be appointed by the Secretary of State. In the meantime, allegations of misconduct can be brought against a member of the Council up to the date when Section 57A of the Local Government Act 2000 (the right to make a written allegation that a member has failed to comply with the Council's Code of Conduct) is repealed.

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Duty to promote and maintain high standards of conduct

2.6 Clause 15(1) of the Localism Bill imposes a statutory duty on the Council to “promote and maintain high standards of conduct by members and co-opted members” of the Council. The question of what constitutes the “high standards of conduct” that the Council is under a duty to “promote and maintain” among its members and co-opted members is not addressed and appears to be left open for the Council to determine.

Voluntary Codes of Conduct

2.7 Clause 16(1) of the Localism Bill provides that the Council may decide to adopt a “voluntary code of conduct” dealing with the conduct that the Council expects of members and co-opted members of the Council when they are acting in their official capacity. Insofar as the Council’s existing mandatory Members’ Code of Conduct is concerned, Clause 16(2) of the Localism Bill provides that the Council may decide:-

- To revise its existing mandatory Members’ Code of Conduct and adopt this revision as the Council’s voluntary Members’ Code of Conduct;
- To adopt a new voluntary Members’ Code of Conduct to replace its existing mandatory Members’ Code of Conduct, or
- To withdraw its existing mandatory Members’ Code of Conduct without replacing it.

2.8 If the Council were to decide to adopt a voluntary Members’ Code of Conduct, then Clause 16(3) of the Localism Bill provides that, if a written allegation is made to the Council that a member or co-opted member of the Council has failed to comply with the Council’s voluntary Member’s Code of Conduct, the Council must:-

- Consider whether it is appropriate to investigate the allegation, and
- If the Council decides that an investigation is appropriate, investigate the allegation in such manner as the Council thinks fit.

2.9 Clause 16(4) of the Localism Bill provides that, if the Council were to adopt a voluntary Members’ Code of Conduct, then if the Council were to find that a member or co-opted member had failed to comply with the Council’s voluntary Members’ Code of Conduct, then the Council may have regard to this failure in deciding:-

- Whether to take action in relation to the member or co-opted member, and
- What action to take.

Clause 16(4) of the Localism Bill does not, however, provide for any “relevant authority” that decides to adopt a voluntary Members’ Code of Conduct with an express power to impose any particular sanctions on members who fail to comply with a voluntary Members’ Code of Conduct. This is unlike the current Standards Regime.

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2.10 The Standards Committee recommended that the County Council should adopt a voluntary code. The Committee's recommendation will be considered by the Governance Committee at the appropriate time.

Disclosure and Registration of Members' Interests

2.11 Clause 17 of the Localism Bill provides that the Secretary of State may make regulations requiring the Council's Monitoring Officer to establish and maintain a "Register of Members' Interests" of the Council's members and co-opted members.

2.12 These regulations may make provision:

- (a) Specifying the financial and other interests that are to be registered in the Register of Members' Interests;
- (b) Requiring any member or co-opted member who has an interest of a specified kind to disclose that interest before taking part in business of the Council relating to the interest;
- (c) Preventing or restricting the participation of a member or a co-opted member of the Council in any business of the Council to which an interest disclosed by the member in accordance with paragraph (b) above relates;
- (d) For the Council to grant dispensations in specified circumstances from a prohibition imposed in accordance with paragraph (c) above;

Christine Swan
Chairman

13 April 2011

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APPENDIX 1

Complaints received by the Standards Committee 1 April 2010 to 31 March 2011

| Reference | Type and Date of Sub Committee | Complainant | Summary of Complaint | Assessment Outcome | Review Outcome | Resolved |
|-----------|--------------------------------|----------------------|---------------------------------------------------------------|--------------------|--------------------------|----------|
| SC.002.10 | Review 26 May 2010 | Member of the public | Non declaration of interest and using influence | No action | Original decision upheld | Yes |
| SC.003.10 | Review 26 May 2010 | Member of the public | Disclosure of information | No action | Original decision upheld | Yes |
| SC.004.10 | Assessment 26 May 2010 | Member of the public | Failed to respond to an email | No action | Not applicable | Yes |
| SC.001.11 | Assessment 14 March 2011 | Member of the public | Disrespectful and failed to address points raised in an email | No action | Meeting to be arranged | |