



# East Northamptonshire Council

## Standards Board - 8 July 2009

### Activity Report of the Monitoring Officer

---

#### Summary

This report provides a brief update on current Monitoring Officer activity and ethical matters as requested by the Board for each meeting.

#### Attachment(s)

None

---

#### 1. Returns to Standards Board for England

1.1 As one of her last activities as Monitoring Officer, Barbara Ding, submitted the first annual return to the Standards Board for England (SBE). In the return she highlighted the good practice carried out by this Council such as the Monitoring Officer Session within the Induction Day for all staff. She also raised a number of issues that she wished the Standards Board to consider:

- Promoting awareness and consideration of the Code of Conduct and related standards issues to all Political Parties for inclusion in their recruitment and induction processes
- Revision of the annual return format to:
  - allow a distinction between work generated by the principal authority and work with Town and Parish Councils
  - remove the presumption of executive models of governance and allow more accurate expression for 4<sup>th</sup> Option Councils.

1.2 A full copy of the return is available on request. It is hoped that the timing of the return will be less restrictive next year allowing the Standards Board to consider any input to the return it may have.

1.3 Analysis of the return is currently being undertaken by the SBE and will be shared with Members when available through this activity report.

1.4 The first quarterly return for 2009/10 will be submitted in early July.

#### 2. Parish and Town Council Activity

2.1 Since the Board met on Wednesday 8 April 2009, 16 enquiries have been recorded from Parish and Town Council Clerks and Councillors, District Councillors and general public, seeking advice on the complaints process, or personal and prejudicial interests and code of conduct matters.

A refresher session on the Code of Conduct was held at Collyweston, Village Hall for Parish Councils in the north of the District on 6 May. A further session for Raunds Town Council is planned for 9 July.

2.2 Three expressions of interest have been received for the Parish Council Representative position on the Standards Board which becomes vacant later this year. The candidates names and supporting information will be circulated to Parish Councils to enable them to vote for their chosen candidate.

2.3 Changes to the Parish Council Registers of Interest continue as vacancies arise and are filled. There are currently 21 vacancies around the District.

### **3. Regulations**

3.1 The Standards Committee (Further Provisions) Regulations 2009 finally came into force on 15 June 2009. The regulations allow the Standards Board (for England) to suspend the initial assessment functions of an authority and enable authorities to establish joint standards committees (as outlined in the previous Monitoring Officer Activity Report).

3.2 The key changes for the Standards Board to consider are to the criteria for granting dispensations for members to speak and vote when they have a prejudicial interest. Under the revised regulations a standards committee can grant a dispensation to a member:

- where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting **OR**
- where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

3.3 Ultimately it is for an authority's standards committee to decide what criteria they will apply when considering a request. The standards committee can decide the nature of any dispensation it grants. For example, the dispensation may allow a member to speak and not vote, or to fully participate and vote. The committee can also decide how long the dispensation should apply, although it cannot be longer than four years.. After four years has elapsed since a dispensation was granted, it can no longer be used.

3.4 The criteria that will be applied and the process that will be followed should be made available to all members by the standards committee. A report will be presented to the next Standards Board outlining options for consideration.

3.5 Detailed guidance on each of the above changes is available on the SBE website or from the Monitoring Officer.

3.6 There is no news of the outcome of the consultation on the Revised Code of Member Conduct or proposed statutory Code for Officers yet.

### **4 Standards Board for England News**

4.1 In 2006, the Standards Board for England commissioned Cardiff University to carry out a five-year project to identify the impact of the standards framework within nine local authorities. The preliminary results from year one of this study indicate that, in most of these councils, the ethical framework and standards have become established and accepted as part of corporate life. The majority of respondents are positive about the move towards local regulation (apart from a concern about costs). The formal components of the ethical framework are being implemented successfully and there is some desire among those interviewed for committees to take a more pro-active role in promoting good conduct.

4.2 The research also reveals many feel that the conduct of councillors has improved in recent years, and that ethical issues are being treated seriously. There also seems to be widespread support for the view that the ethical framework has been beneficial. Councils with better conduct tend to make more effort to continually train and remind councillors of their responsibilities, and to make involvement in training mandatory. The ethical framework has helped improve conduct by acting as a regulatory mechanism, being used to support the sanctioning, demotion or resignation of councillors who have caused serious ethical problems.

- 4.3 Finally the research found that more positive public survey responses for trust are achieved in councils displaying good standards of conduct. In addition, councils with high levels of trust tend to be well managed. Nearly half of the public survey respondents were confident that their local authority would uncover breaches in standards of behaviour by a councillor. Furthermore, a similar proportion believe that those breaching the Code would be dealt with effectively.
- 4.4 From 1 July the SBE will be known as “ Standards for England” to emphasise the change in its role from being an organisation focused mostly on handling complaints to the strategic regulator of standards among local politicians. Following stakeholder consultation the focus of communications will do more to highlight the positive aspects of conduct; making the point that ethical behaviour is both a good thing in itself and good for local democracy. The aim is to leave the public in no doubt that that standards and principles matter to local government.

## 5. Other Publications

- 5.1 The Local Government Association has recently published a revised guidance note on good planning practice for councillors and officers dealing with planning matters. This 2009 update provides refreshed advice on achieving the balance between the needs and interests of individual constituents and the community and the need to maintain an ethic of impartial decision-making with regards to planning decisions. Copies of the guidance are available at [www.lga.gov.uk](http://www.lga.gov.uk) or from the Monitoring Officer.
- 5.2 A CD copy of Version 3 of the Parish Council toolkit has now been circulated to all local Town and Parish Councils. It will also be placed on the council website shortly.

## 6 Conclusion and Recommendation

- 6.1 Members are invited to receive and note this report.

<b>Implications:</b>	
<b>Corporate Outcomes or Other Policy/Priority/Strategy</b>	
Good Quality of Life	<input type="checkbox"/> Good Reputation <input checked="" type="checkbox"/>
Good Value for Money	<input type="checkbox"/> High Quality Service Delivery <input type="checkbox"/>
Effective Partnership Working	<input type="checkbox"/> Strong Community Leadership <input type="checkbox"/>
Effective Management	<input checked="" type="checkbox"/> Knowledge of our Customers and Communities <input type="checkbox"/>
Employees and Members with the Right Knowledge, Skills and Behaviours	<input checked="" type="checkbox"/>
<b>Other:</b> Ethical Framework/Governance Arrangements	<input checked="" type="checkbox"/>
Decision(s) would be outside the budget or policy framework and require full Council approval	<input type="checkbox"/>
<b>Financial</b>	There are no financial implications at this stage <input checked="" type="checkbox"/>
	There will be financial implications – see paragraph <input type="checkbox"/>
	There is provision within existing budget <input type="checkbox"/>
	Decisions may give rise to additional expenditure at a later date <input type="checkbox"/>
	Decisions may have potential for income generation <input type="checkbox"/>
<b>Risk Management</b>	An assessment has been carried out and there are no material risks <input checked="" type="checkbox"/>
	Material risks exist and these are recorded at Risk Register Reference - inherent risk score - residual risk score - <input type="checkbox"/>
<b>Staff</b>	There are no additional staffing implications <input checked="" type="checkbox"/>
	Additional staff will be required – see paragraph <input type="checkbox"/>
<b>Equalities and Human Rights</b>	There will be no impact on equality (race, age, gender, disability, religion/belief, sexual orientation) or human rights implications <input checked="" type="checkbox"/>
	There will be an impact on equality (see categories above) or human rights implications – see paragraph <input type="checkbox"/>
<b>Legal</b>	Power: Local Government Act 2000; The Local Government and Public

Involvement in Health Act 2007	
Other considerations: Standards Committee (Further Provisions) Regulations 2009	
<b>Background Papers:</b>	
<b>Person Originating Report:</b>	Sharn Matthews, Monitoring Officer, (01832 742108) smatthews@east-northamptonshire.gov.uk
<b>Date: 30 June 2009</b>	
<b>CFO</b>	<b>MO</b>
	<b>CX</b>

(Committee Report Normal Rev. 19)