



Standards Board - 18 October 2010

Future of Standards for Local Authorities

Summary

This report provides the latest information available on future plans for Standards in local authorities as a background for discussion on how the Board may best use its possible limited future to engender and support a strong ethical and governance framework for East Northamptonshire in the future.

Attachment(s)

Annex A - Ten General Principles of Public Life (Page 10 of Code of Conduct)

1.0 Latest Intelligence of Government Approach

- 1.1 As previously noted, the Coalition Government has confirmed its intention to abolish Standards for England. Appropriate provision to do this will be included in the forthcoming Localism Bill. This Bill, due to be published in October or November 2010, is also now expected to abolish the prescribed model Code of Conduct for Councillors (for all levels of council) and the requirement for district and county councils to have their own Standards Committees.
- 1.2 The Bill is anticipated to confirm that councillors will still have to register certain personal interests (not yet defined but likely to include financial interests) in a publicly available register. It would be logical to assume that this register may have to be made publically available on the council's website as part of the Government's drive for Transparency. A new criminal offence will be created to cover situations where a councillor fails to register relevant personal interests, or deliberately seeks to mislead the public about such interests.
- 1.3 The Bill is also expected to clarify that councillors may vote on matters on which they may have a predisposition but have not predetermined. This is designed to permit councillors to speak and vote on the very issues they had been elected on or have an interest in.
- 1.4 The Bill is not expected to receive royal assent and become new legislation until at least July next year. Any new legislation is therefore unlikely to take effect until the end of 2011 or early 2012.

2.0 Future Standards Framework for East Northamptonshire Council

- 2.1 The Committee on Standards in Public Life (in its Annual Review and Report 2009-10) commented that a local standards framework is vital to maintaining confidence in the integrity of local politicians. Where it is working well, it ensures that local councillors understand the standards of behaviour which are expected of them and that there are robust mechanisms in place to deter and deal with misconduct. The evidence from their reviews over the last 15 years indicates that this is best achieved through local ownership within a framework that ensures consistency of standards and proper enforcement.
- 2.2 The Annual Report continues by stating that whilst the precise shape and structure of the framework may change over time, and could vary in the different parts of the UK, the Committee believes that the necessary components of the framework continue to be:

- A clear code of conduct which specifies what behaviour is acceptable and what is not.
- An independent mechanism for dealing with the most serious breaches under the Code.
- Some overarching mechanism to ensure that the regime is effective and consistent in upholding standards.

2.3 There is a strong argument for proposing that East Northamptonshire Council should adopt at least a short and simple local Code of Conduct for Councillors which highlights and reinforces the Ten General Principles of Public Life as promoted by the Nolan report etc. (See Appendix A). It is generally considered good practice elsewhere in both the public, private and third sectors to have a Code of Conduct for Board members.

2.4 A simple Code would not cover declaration of interests as the current code nor follow the approach promoted by the Committee on Public Life in having a complaints process or sanctions. It would however at least be a reminder of the behaviour that is expected of councillors whilst in office.

2.5 Development of such a simple Code may also be of interest to local Town and Parish Councils who could choose to adopt or adapt it for their purposes. NALC have expressed interest in assisting with such an approach.

2.6 Members may also wish to reflect on whether they feel there should be some information for members of the public published by the Council which assists them if they do have a complaint against a councillor when the current standards regime ceases. This could include the possibility of referring complaints to the Chairman of the Council. If this were the case members may wish to consider if an offer should be made to the Chairman of support or advice from Independent Members experienced in complaints issues.

2.7 Finally it could be perceived that the presence of Independent Members on the local Standards Board has improved the perception of transparency of council processes and introduced both new skills and approaches. This approach might be of use in other areas of council activity such as Scrutiny, or Audit and Risk Management. Does the Standards Board wish to formally highlight the value of this approach in other areas?

3.0 Future Work Programme for ENC Standards Board

3.1 The Localism Bill is expected to require that current local standards committees will be required to determine all existing complaints (irrespective of which body they were originally referred to before their abolition) within a stipulated timeframe. After these existing code of conduct complaints have been completed, the role and functions of local standards committees will cease.

3.2 It is reasonable to anticipate that the ENC Standards Board may therefore exist for at least another 12 months. However there may be an issue of credibility and viability of the Board, particularly in the latter part of that period. Members are asked to reflect on how commitment can be maintained during this period and what work the Board should carry out in the next 12 months.

4.0 Recommendation

4.1 The Board is recommended to consider the information presented in this report and agree what legacy it wishes to leave local councils and what the work programme for the next 12 months will be.

Implications:					
Corporate Outcomes or Other Policy/Priority/Strategy					
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 checked="" type="checkbox"/>		
Effective Management	<input type="checkbox"/>	Knowledge of our Customers and Communities	<input type="checkbox"/>		
Employees and Members with the Right Knowledge, Skills and Behaviours			<input type="checkbox"/>		
Other:					
Decision(s) would be outside the budget or policy framework and require full Council approval					
Financial	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"/>	
Risk Management	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"/>	
Staff	There are no additional staffing implications			<input checked="" type="checkbox"/>	
	Additional staff will be required – see paragraph			<input type="checkbox"/>	
Equalities and Human Rights	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"/>	
Legal	Power: Local Government Act 2000				
	Other considerations:				
Background Papers:					
Person Originating Report: Sharn Matthews, Monitoring Officer, 01832 742210					
Date: 4 October 2010					
CFO		MO		CX	

(Committee Report Normal Rev. 21)

THE GENERAL PRINCIPLES

[*Relevant Authorities (General Principles) Order 2001 (S I 2001/1401)*]

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.