



East
Northamptonshire
Council

Standards Board – 2 February 2011

Standards Board Annual Report 2010

Purpose of report

To consider and approve the Standards Board Annual Report for 2010.

Attachment(s)

Appendix: Annual report 2010

1.0 Background

1.1 The Standards Board produces an annual report each year summarising the work it has undertaken and setting out its future aims and objectives.

1.2 The formal publication of an annual report of Standards Board activity demonstrates the Committee's role in promoting and maintaining high standards of conduct.

2.0 Equality and Diversity Implications

2.1 There are no equality and diversity implications arising from the proposals.

3.0 Legal Implications

3.1 It is clear that the Council's Constitution and other policies and procedures will have to be amended once the Localism Bill is finalised.

4.0 Risk Management

4.1 There are no material risks arising from this report for the Council at this time. However any changes to the Code of Conduct for councillors or the process by which complaints against councillors are handled should be assessed before implementation for their potential impact on the Council's reputation as a fair and transparent authority.

5.0 Financial Implications

5.1 This year the Council has drawn on its contingency reserves to carry out one investigation into a complaint which it was unable to carry out using in-house resources. This was carried out at cost by a member of Kettering Borough Council legal staff. It is too early to anticipate the financial implications arising from changes to the Standards regimen arising from the Localism Bill.

6.0 Corporate Outcomes

6.1 The publication of an annual report helps deliver the following corporate outcomes:

- Good reputation
- High quality service delivery
- Strong community leadership
- Employees and members with the right knowledge, skills and behaviours.

7.0 Recommendation

7.1 The Board is asked to recommend that full Council approve the Standards Board Annual Report 2010.

Legal	Power:				
	Other considerations:				
Background Papers:					
Person Originating Report: Sharn Matthews, Monitoring Officer, 01832 742210					
Date: 19 January 2011					
CFO		MO		CX	

(Committee Report Normal Rev. 22)

East Northamptonshire Council Standards Board Annual Report 2010

1 Introduction

- 1.1 The East Northamptonshire Standards Committee (known as the 'East Northamptonshire Standards Board') was established by the Local Government Act 2000 to promote and maintain high standards of conduct by District Councillors and members of the Town and Parish Councils in East Northamptonshire.

2 Membership

- 2.1 Committee membership this year was as follows:-

East Northamptonshire Councillors

Glenvil Greenwood-Smith
Barbara Jenney
Brian Northall
Roger Powell

Parish Council Representatives

Sue North
Arthur Whittaker

Town Council Representatives

Don Campbell
Prudence Goss

Independent Members

Graham Blagden (Chairman)
Hilary Daniels (Vice-Chairman)
Graham Matthews
Lance Quantrill

3 Meetings

- 3.1 The Board met on four occasions during the year for scheduled meetings. An additional meeting took place to consider a formal request for dispensations from town councillors in respect of their status as trustees of a local charity.
- 3.2 In order to ensure a transparent process for handling any complaints we receive, and in line with the appropriate regulations, the Board has established three sub-committees: Assessment, Review and Hearing, each of which would handle a different aspect of a complaint, with each sub-committee having a different membership. In order to achieve maximum flexibility each sub-committee consists of at least one independent member, an East Northamptonshire councillor, and a town or parish councillor; a total of three members. The sub-committees do not have fixed membership and the Council's Monitoring Officer selects the membership of each committee to ensure there is a separation of roles and that legal requirements are met. Each sub-committee must have an independent

Chairman. Four Assessment Sub-Committees were held this year.

4 Local Government Ombudsman's Investigations 2009/10

- 4.1 The Board reviewed the Local Government Ombudsman's investigations into complaints against the Council for the last financial year, and compared the position with that of the previous period. The Board were pleased to note that the trend of fewer complaints and more satisfactory outcomes was continuing.

5 Standards for England

- 5.1 The Council's Monitoring Officer continued to submit the requisite on-line returns to Standards for England as a quarterly reporting process of our actions until the requirement for such returns was suspended in June 2010. In our annual return to that body the Board commented on the positive attitude of our authority which is representative of good practice in East Northamptonshire Council.
- 5.2 Following the General Election in May, when the new Coalition Government set out its principles for the next five years, Standards for England cancelled its annual training conference which has previously provided a useful training opportunity for Board members to keep up to date with Code of Conduct matters.
- 5.3 Later in the year the Government published its Localism Bill which set out its plans to abolish both Standards for England and the national Code of Conduct. Without these two major elements in the Standards process there would no longer be a formal requirement for local Standards Boards. Further comments on the Bill are made in 8.3

6 Investigations into complaints

- 6.1 As has been noted above, the Standards Board received four complaints in 2010, all of which have been considered by an Assessment Sub-Committee.
- 6.2 The complaints process has been completed for two of these complaints. The first of these related to whether appropriate declarations of interest had been made during appointments to, and subsequently at, a district council working party in relation to councillors place of residence and relationship to other councillors they were nominating. Because the issue was felt to have arisen because of a lack of clarity in overall council procedures, it was decided to refer the matter to the Monitoring Officer for alternative action. Subsequently East Northamptonshire Council's Constitution was amended to clarify what constituted a working party as opposed to any other more informal councillor group and thus when declarations of interest were required. Guidance was also given on when personal relationships should be declared during nominations.
- 6.3 The second completed case related to a parish councillor and it was found, after investigation, that the Code of Conduct did not apply as the councillor concerned was not carrying out the duties of a councillor at the time of the incident which led to the complaint. However this, and other recent discussions with the Monitoring

Officer which have not resulted in formal complaints, do indicate that the public have an expectation of generally higher standards of conduct from councillors, not only whilst formally covered by the Code but whilst carrying out their everyday lives in their communities.

- 6.3 In the first of the cases for which the complaints process has not been completed a decision was made for alternative action by the Monitoring Officer but the outcome of this action has not yet been considered by the appropriate Assessment Sub Committee. In the other uncompleted case the original Assessment Sub-Committee decided that no further action should be taken. However the complainant appealed against this decision and therefore a Review Sub-Committee will meet early in 2011 to assess the complaint afresh.

7 Other matters

- 7.1 A number of training sessions, both in-house and at town or parish councils, were held in the early part of the year. At each scheduled meeting the Board discusses relevant cases/situations that have occurred elsewhere in the country in the context of East Northamptonshire.
- 7.2 During the year three Oundle town councillors were granted dispensations in respect of their status as trustees of the Queen Victoria Hall charity, in the best interests of managing the trust.
- 7.3 The Board considered and approved a formal request for dispensations from eleven Rushden town councillors in respect of discussions about the transfer of public conveniences in Rushden from East Northamptonshire Council to the town council, due to their position as members of both councils.
- 7.4 The Board also considered a request from twelve dual hatted Members of Rushden Town Council and East Northamptonshire Council to make a local variation to the national dispensation guidance to enable them to participate and vote in any future policy decisions regarding the development of the Manor Park Leisure Centre. Due to the intricacies of the law in relation to prejudicial interest and quorum levels the Board were not able to grant such a dispensation. However members of the Board fully understood the frustration of local councillors in not being able to formally speak and decide upon the matter, as well as the possible confusion of local members of the public.
- 7.5 The Board received and noted the Council's Annual Governance Statement which had been approved by the Audit and Risk Management Committee. The Board and Audit and Risk Management Committee had joint and complementary responsibilities for the good governance of the Council, the Board for ensuring and promoting good ethical conduct and the Committee for overseeing the effectiveness of the Council's financial, audit and risk management processes. As the Audit and Risk Management Committee no longer exists, its responsibilities have been subsumed into the Scrutiny Committee.
- 7.6 The Board wishes to acknowledge and thank Sharn Matthews, the Monitoring Officer, for her guidance during the year; Keith Osborne for his helpful advice and Rachel Reeds for her continuing support. I would also like to register my thanks to

my Vice-Chairman, Hilary Daniels, for her support and to all my colleague members for their work and contributions this year.

8 The Future of the Board

- 8.1 Following publishing of the Localism Bill in November the Government plans 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. The Bill is not expected to receive royal assent and become new legislation until at least July 2011 and therefore unlikely to take effect until early 2012.
- 8.2 Any complaints being dealt with by Standards for England at the time Royal Assent is received will become the responsibility of the local authority for assessment and therefore the present local structure will remain for these and any local complaints in the system until possibly Easter 2012.
- 8.3 The Bill will introduce a new duty to maintain and promote high standards of councillor conduct which will apply to all levels of council. It will also allow councils to adopt a voluntary code of conduct, investigate complaints and take action against those found to have breached any voluntary code. The Bill will also introduce new regulations for the disclosure of Member's interests with possible criminal actions arising from breaches for which the Director of Public Prosecutions presses charges.
- 8.4 The Board recognises that there have been difficulties with the current legislation, both in terms of unreasonable controls on proper councillor activity and restrictions in the way our own Board conducts its business, but believes that there is still a need for a code of conduct for councillors. Most boards, professional organisations and public sector bodies have a code of conduct regarding the behaviour of members as it is standard good practice. The Board is concerned that any lack of code could give credence to suspicion of elected members at all levels.
- 8.5 The Board believes East Northamptonshire Council would wish to continue to demonstrate that it is an effective body with high standards and that it fulfills its agreed corporate outcomes. Although it is for the Council to decide how it wishes to proceed after the legislation comes into force the Board strongly believes that there is a need for a local code, supported by some form of independent perspective.
- 8.6 The importance of the leadership and members of the Council being comfortable with any changes is fully recognised. However, the Board can assist the Council to draft a simple local code for members or advise on good practice. The Board has a role to play in assisting the Council through the regime change and wishes to do so.

Graham Blagden
Chairman

On behalf of the East Northamptonshire Standards Board
January 2011