

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Your attendance is requested at a meeting to be held at the The Jeffrey Room, St. Giles Square, Northampton, NN1 1DE. on Monday, 14 September 2015 at 5:00 pm.

D. Kennedy
Chief Executive

AGENDA

1. APOLOGIES
2. MINUTES
(Copy herewith)
3. DEPUTATIONS / PUBLIC ADDRESSES
4. DECLARATIONS OF INTEREST
5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED
6. THE ROLE OF THE STANDARDS COMMITTEE
(Copy herewith)
7. ROLES OF INDEPENDENT PERSONS APPOINTED PURSUANT TO THE LOCALISM ACT 2011
(Copy herewith)
8. COUNCILLOR TRAINING STRATEGY - ETHICAL AND GOVERNANCE MATTERS
(Copy herewith)
9. EXCLUSION OF PUBLIC AND PRESS
THE CHAIR TO MOVE:
"THAT THE PUBLIC AND PRESS BE EXCLUDED FROM THE REMAINDER OF THE MEETING ON THE GROUNDS THAT THERE IS LIKELY TO BE DISCLOSURE TO THEM OF SUCH CATEGORIES OF EXEMPT INFORMATION AS DEFINED BY SECTION 100(1) OF THE LOCAL GOVERNMENT ACT 1972 AS LISTED AGAINST SUCH ITEMS OF BUSINESS BY REFERENCE TO THE APPROPRIATE PARAGRAPH OF SCHEDULE 12A TO SUCH ACT."

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

SUPPLEMENTARY AGENDA

**Exempted Under Schedule
12A of L.Govt Act 1972
Para No:-**

<TRAILER_SECTION>
A7973

Public Participation

Members of the public may address the Committee on any non-procedural matter listed on this agenda. Addresses shall not last longer than three minutes. Committee members may then ask questions of the speaker. No prior notice is required prior to the commencement of the meeting of a request to address the Committee.

NORTHAMPTON BOROUGH COUNCIL

STANDARDS COMMITTEE

Monday, 17 February 2014

PRESENT: Councillor Yates (Chair); Councillor Capstick (Deputy Chair); Councillors Flavell, Oldham and Sargeant

Francis Fernandes; Borough Secretary & Monitoring Officer
Nathan Birch; Democratic Services Officer

1. APOLOGIES

Apologies were received from Councillors Patel, McGowen and Capstick.

2. MINUTES

The minutes of the meeting held on 10th December 2012 were agreed and signed by the Chairman.

3. DEPUTATIONS / PUBLIC ADDRESSES

None received.

4. DECLARATIONS OF INTEREST

None.

5. MATTERS OF URGENCY WHICH BY REASON OF SPECIAL CIRCUMSTANCES THE CHAIR IS OF THE OPINION SHOULD BE CONSIDERED

None received.

6. OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS - DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT GUIDANCE

The Borough Secretary & Monitoring Officer submitted the report as set out in the agenda. The new guidance aimed to clarify the situation with regard to declarations of personal/pecuniary interest. With the Committee's approval the advice would be circulated to Councillors and Parish Councils following the meeting.

In response to questions from the Committee the Borough Secretary & Monitoring Officer confirmed that Councillors voting on their own allowance levels would be able to do so, following a dispensation being issued. Dispensations would be issued if the Council would be unable to transact its business due to the level of declarations being made. The Committee was also advised that Councillors who had an interest in more than one property should declare all such properties in their Register of Interests.

RESOLVED: That the report be noted; the guidance is circulated to Councillors and Parish Councils and that openness and transparency on personal interests be included in councillor training for 2015.

7. UPDATE OF LEVEL AND OUTCOMES OF STANDARDS COMPLAINTS

The Borough Secretary & Monitoring Officer submitted the report as set out in the agenda. Due to the anonymous nature of complaints at the investigative stage it was suggested that the Chairman be briefed on the nature of the issues raised as required.

In response to questions from the Committee the Borough Secretary & Monitoring Officer confirmed that matters relating to a specific Council service were outside the scope of the Code of Conduct. As such, these had been referred to the Council's complaints procedure. In relation to potential breaches of the Code of Conduct, only after a robust investigation and a potential breach being established would there be a hearing. The hearing would be in front of a sub-committee of the Standards Committee. This hearing would hear evidence from all parties, including the investigator, and make any findings of breach of the code. If such a breach were to be found the sub-committee could, amongst other things, make recommendations on sanction to the Full Council. Full Council would then have a choice on whether to impose such sanction, but there was no power to suspend or remove a Councillor from office. The Borough Secretary & Monitoring Officer agreed that the timescales for the process needed to be managed closely to allow for a timely conclusion to be reached.

RESOLVED: That the report be noted.

The meeting concluded at 5:25 pm

Appendices: 1



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE REPORT

Report Title	The Role of the Standards Committee
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	14 th September 2015
Policy Document:	No
Directorate:	Borough Secretary & Monitoring Officer

1. Purpose

1.1 The purpose of this Report is to outline the role of the Standards Committee at this first meeting of the Committee following the election of the new Council in May 2015 and to recommend the establishment of a Working Group to consider the Members' Code of Conduct and the process for dealing with Code of Conduct complaints.

2. Recommendations

It is recommended that the Committee:

- 2.1 note the summary contained in this Report, of the role of the Standards Committee;
- 2.2 agree to establish a Working Group to consider the *Northampton Borough Council Members' Code of Conduct* and the *Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils* to formulate recommendations to Full Council regarding the revision of these documents and procedures; and
- 2.3 nominate Members of the Standards Committee to the Working Group referred to in paragraph 2.2.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Localism Act 2011 made significant changes to the system that was in place for regulating Councillor conduct. Prior to the Localism Act 2011 the standards system was centralised. All local authorities were required to adopt a national code of conduct and have a statutory standards committee to oversee the behaviour of their councillors and receive complaints. A central body, Standards for England oversaw this regime.
- 3.1.2 The Localism Act 2011 abolished the Standards for England regime, removed the requirement for local authorities to have a Standards Committee and localised the system by requiring local authorities to draw up their own Codes of Conduct and processes for dealing with complaints about breaches of the Code. This came into effect from July 2012.
- 3.1.3 Regulations made under the Localism Act 2011 set out the “Disclosable Pecuniary Interests” that Councillors are required to declare. (These are quite a limited class of interests and there are criminal sanctions in place for failures to comply with some of the statutory provisions relating to Disclosable Pecuniary Interests). Local authorities can make provision in their own Codes of Conduct for Councillors to declare other types of interest in addition to the statutory Disclosable Pecuniary Interests that must be recorded. In addition to the statutory Disclosable Pecuniary Interests, the Northampton Borough Council Members’ Code of Conduct requires Councillors to register “Personal Interests”, which are a wider class of interests that have been locally defined.

3.2 Issues

3.2.1 The role of the Standards Committee

- 3.2.1.1 Whilst there is no longer a requirement for a statutory Standards Committee, the authority remains under a statutory duty to promote and maintain high standards of conduct by its elected and co-opted Members. There is also still a need to deal with standards issues and case work. Therefore, with effect from 1st July 2012, this authority chose to discharge these functions through a Standards Committee (this Committee).
- 3.2.1.2 The Terms of Reference of the Standards Committee are set out in Article 10 of the Constitution, which is at Appendix 1.
- 3.2.1.3 In summary, the main functions of the Standards Committee are:
- Promoting and maintaining high standards of conduct by Members and co-opted Members of the Council and to promote high ethical standards within Parish Councils.
 - Dealing with issues relating to the Northampton Borough Council Members’ Code of Conduct, such as monitoring its effectiveness, reviewing it, suggesting revisions and ensuring that Members are adequately trained on the operation of the Code.

- To participate in the process for dealing with allegations that a Councillor has breached the Code of Conduct. The Monitoring Officer has delegated power to carry out the initial assessment of complaints to determine whether there should be any further action. If a complaint is referred for investigation and there is a finding of evidence of failure to comply with the Code, the matter will be referred to a Hearings Panel of the Standards Committee (if it is not considered suitable for local resolution). In summary, the Hearings Panel is responsible for considering any investigation report and conducting a hearing to determine if the Member did fail to comply with the Code of Conduct. (Since the commencement of the new regime in July 2012, there have not been any complaint cases that have reached the hearing stage).
- To monitor the Members' Register of Interests and any interests that Officers are from time to time required to declare.
- To grant dispensations (in accordance with statutory provisions) when referred by the Monitoring Officer, to enable Members to participate in discussion and voting on items of business in which they have a Disclosable Pecuniary Interest.
- Broader involvement in ethical and governance issues affecting the Council to facilitate high standards of probity and ethical conduct by the Council, its Members and Officers. Although the Standards Committee no longer has any statutory functions/powers, it still has a very important role to fulfil in promoting the ethical aspects of good governance within the Council.

3.2.2 Revision of the Code of Conduct and the complaints Arrangements

- 3.2.2.1 In accordance with the provisions of the Localism Act 2011, the Council adopted the *Northampton Borough Council Members' Code of Conduct* and the *Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils* (the 'Arrangements') with effect from 1st July 2012.
- 3.2.2.2 As the current Code of Conduct and the Arrangements have now been in operation for three years, it would be appropriate to review their effectiveness and consider whether any revisions are required.
- 3.2.2.3 It is therefore recommended that the Standards Committee establishes a Working Group to consider the Members' Code of Conduct and Arrangements and make any recommendations for revision. This Working Group would be supported by the Monitoring Officer and his staff. The Working Group would report back to the Standards Committee, which would in turn make recommendations to Full Council, (as adoption of a Members' Code of Conduct is a responsibility of Full Council).

4. Implications (including financial implications)

4.1 Policy

4.1.1 There are no policy implications arising from this Report.

4.2 Resources and Risk

4.2.1 There are no financial or other resource implications arising from this Report.

4.3 Legal

4.3.1 The legal implications are outlined in this Report.

4.4 Equality

4.4.1 There are no equality issues arising directly from this Report. Relevant equality issues will be fully considered in relation to any suggested revisions to the process for dealing with Code of Conduct complaints and in relation to the content of the Code of Conduct itself.

4.5 Consultees (Internal and External)

4.5.1 Not applicable.

4.6 Other Implications

4.6.1 None.

5. Background Papers

5.1 None.

Marianne McCarthy
Solicitor

Extract from the Northampton Borough Council Constitution

Article 10 – The Standards Committee

10.1 Standards Committee

The Council Meeting will establish a Standards Committee.

10.2 Membership – The Standards Committee will be composed of nine Councillors. In addition the Standards Committee shall appoint:

- such Independent Members as the Committee considers appropriate. The Independent Members shall not have the right to vote;
- two Parish Council Members without the right to vote.

10.3 Independent Persons

An Independent Person:

- must be consulted and their views taken account of before the Standards Committee/Hearings Panel takes a decision on any allegation that is to be investigated;
- may be consulted by the Monitoring Officer in circumstances where an allegation is not to be investigated;
- may be consulted by a Member against whom an allegation has been made; and
- may be consulted by a Parish Councillor against whom an allegation has been made.

10.4 The Hearings Panel

The Committee shall establish a Hearings Panel.

The Hearings Panel shall be made up of any three Councillors of the Standards Committee, plus an Independent Member (without the right to vote), plus a Parish Council Member (without the right to vote) where a Parish Council issue is to be considered, and shall meet on an ad hoc basis.

The Hearings Panel shall:

- consider any Investigating Officer's report referred to it by the Monitoring Officer and an Independent Person and conduct a hearing to determine if a Member or Co opted Member of the Council (or a member of a Parish Council) has failed to comply with the Members' Code of Conduct (or such Members' Code of Conduct adopted by a Parish Council); and
- announce their findings upon the conclusion of the hearing and if finding a member or Co opted Member of the Council (or Parish Councillor) has failed to comply with the Members' Code of Conduct, set out such sanctions from the list set out in paragraph 8 of the Council's "Arrangements for Dealing with Allegations of Breaches of the Members' Code of Conduct" as they think fit.

10.5 Terms of Reference of the Standards Committee

- 10.5.1 To promote and maintain high standards of conduct by the Members and co-opted members of the Council.
- 10.5.2 To assist Members and co-opted members to observe the Code of Conduct for Councillors.
- 10.5.3 To advise the Council on the adoption or revision of its Code of Conduct.
- 10.5.4 To monitor the operation and effectiveness of the Code of Conduct for Councillors.
- 10.5.5 To advise, train or arrange to train Members and Co-opted Members on matters relating to the Code of Conduct for Councillors and other issues relating to standards and conduct.
- 10.5.6 To assess and review complaints alleging breaches of the Code of Conduct by Members and Co-opted Members.
- 10.5.7 To conduct determinations hearings of complaints alleging breaches of the Code of Conduct through the Hearings Panel as described in 10.4 above.
- 10.5.8 To grant dispensations referred by the Monitoring Officer to Members and Co-opted Members with Disclosable Pecuniary Interests.
- 10.5.9 To promote high ethical standards within Parish Councils.

- 10.5.10 To advise the Council on the adoption or revision of all protocols and/or guidance, insofar as these relate to standards or ethical conduct issues.
- 10.5.11 To consider any matter referred to it by the Monitoring Officer.
- 10.5.12 To exercise such other responsibilities as may be prescribed by law.
- 10.5.13 To undertake any action that improves, promotes, safeguards or facilitates the highest standard, of probity and ethical conduct by the Council its Members and Officers and those with whom it has, or who seek a contractual, financial or other relationship and to advise the Council on the ethical aspects of good governance standards for public service.
- 10.5.14 To monitor the registers of Members' interests made under the Council's Code of Conduct, and to monitor the interests of any Officers who, in accordance with any requirements upon them, are required to declare such interests to the Council.
- 10.5.15 To respond to national reviews and consultations on governance related issues, in so far as they affect standards or ethical conduct issues.

Appendices: 0



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE REPORT

Report Title	Roles of Independent Persons appointed pursuant to the Localism Act 2011
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	14 th September 2015
Policy Document:	No
Directorate:	Borough Secretary & Monitoring Officer

1. Purpose

- 1.1 To report on the functions of the Independent Persons appointed pursuant to the Localism Act 2011, including additional functions resulting from changes introduced by the Local Authorities (Standing Orders) (England) (Amendments) Regulations 2015.

2. Recommendations

- 2.1 It is recommended that Members note the content of the Report.

3. Issues and Choices

3.1 Report Background

- 3.1.1 In accordance with the provisions of the Localism Act 2011, the Council adopted the *Northampton Borough Council Members' Code of Conduct* and the *Arrangements for dealing with allegations of breaches of the Northampton Borough Council Members' Code of Conduct and of Codes of Conduct adopted by Parish Councils (the 'Arrangements')* with effect from 1st July 2012.
- 3.1.2 The Localism Act 2011 requires local authorities to appoint at least one "Independent Person" in connection with the arrangements that the local authority has in place for dealing with allegations that a Councillor has breached the Code of Conduct for Councillors. Broadly the Independent Person must be someone who is not (or has not recently been) an Officer of the Council or a Member or co-opted Member of the Council or of any Parish

Council within the Borough. Certain classes of relatives and close friends of Members and Officers are also prevented by law from being an Independent Person.

- 3.1.3 The Council currently has two appointed Independent Persons; Peter Glover and Alan Haynes. Mr Glover and Mr Haynes were originally appointed by Council on 3rd June 2013. Their terms of office have been renewed on a fixed basis until the Annual Council meeting in May 2019.

3.2 Issues

3.2.1 The role of the Independent Person in the Members' Code of Conduct complaints process

3.2.1.1 The functions of the Independent Person(s) as set out in the Localism Act 2011 are:

- they must be consulted by the authority and their views taken into account before the authority makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member. (This means that their views must be sought on a decision to take no action where the investigation finds no evidence of breach, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- they may be consulted by the authority in respect of a standards complaint at any other stage; and
- they may be consulted by a Member or co-opted Member of the Borough Council or of a Parish Council against whom a complaint has been made.

3.2.1.2 The Council's *Arrangements* reflect the requirements of the Localism Act 2011 and set out full details of the role of the Independent Person in the standards process. In practice, to date the main role of each of the Independent Persons is that they have been consulted by the Council's Monitoring Officer when he is making an initial assessment decision about a Code of Conduct complaint (ie. deciding whether the complaint warrants any further action and if it does whether it would be suitable for alternative resolution or whether it should be referred for investigation).

3.2.2 The role of the Independent Person in the new statutory dismissal procedures relating to Heads of Paid Service, Monitoring Officers and Section 151 Officers

3.2.2.1 There has been a recent change in the law that affects Independent Persons appointed under the Localism Act 2011.

- 3.2.2.2 The *Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015* have amended the provisions that Councils are required to have in place relating to disciplinary processes for senior officers. The 2015 Regulations prescribe the process that must be followed in relation to any proposed dismissal of one of the Council's three statutory officers (the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer). On 8th June 2015, Full Council approved the amendments to the Council's Standing Orders required to comply with the 2015 Regulations. Full details can be found in the Council report at [\[Changes to Statutory Dismissal Procedures - Amendments to Standing Orders\]](#) PDF 120 KB
- 3.2.2.3 The 2015 Regulations require the Council to take into account the views, advice or recommendations of a Panel (which is to be a Committee of Council) before approving the dismissal of one of the protected officers.
- 3.2.2.4 The 2015 Regulations require the Panel to appoint at least two Independent Persons. The Regulations define those Independent Persons as being Independent Persons who have been appointed under the Localism Act 2011 in relation to the Councillor Code of Conduct complaints arrangements.
- 3.2.2.5 Therefore, the Independent Persons that the Council has appointed in connection with the Councillor Code of Conduct complaints process could be called upon to carry out this additional and separate role, if a disciplinary Panel ever had to be convened in relation to one of the three statutory officers. Although the 2015 Regulations are in force, there is still a significant amount of national debate about how they should operate in practice.

4. Implications (including financial implications)

4.1 Policy

4.1.1 There are no policy implications arising from this report.

4.2 Resources and Risk

4.2.1 There are no financial or other resource or risk implications arising directly from this report.

4.3 Legal

4.3.1 Legal implications are set out in the body of this report.

4.4 Equality

4.4.1 There are no equality implications arising directly from this report.

4.5 Consultees (Internal and External)

4.5.1 Not applicable.

4.6 Other Implications

4.6.1 None.

5. Background Papers

5.1 None.

Marianne McCarthy
Solicitor

Appendices: 0



NORTHAMPTON
BOROUGH COUNCIL

STANDARDS COMMITTEE REPORT

Report Title	Councillor Training Strategy – ethical and governance matters
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AGENDA STATUS: PUBLIC

Committee Meeting Date:	14 th September 2015
Policy Document:	No
Directorate:	Borough Secretary & Monitoring Officer

1. Purpose

- 1.1 The purpose of this Report is to seek the views of the Standards Committee on the training requirements of Members of the Committee and other Councillors in relation to ethical and governance matters.

2. Recommendations

The Committee is recommended to:

- 2.1 consider the level and type of training that Members of the Committee require on ethical and governance matters and advise the Monitoring Officer accordingly;
- 2.2 establish a Working Group to consider the training requirements of all Members of the Council in relation to ethical and governance matters within the remit of the Standards Committee and devise a Training Strategy, which also includes consideration of the extent to which such training should be extended to Parish Councils within the Borough; and
- 2.3 nominate members of the Standards Committee to the Working Group referred to in paragraph 2.2.

3. Issues and Choices

3.1 Report Background and Issues

- 3.1 The Standards Committee is the Committee responsible for promoting and maintain high standards of conduct by the Members and co-opted Members of the Council, for assisting members to observe the Members' Code of Conduct and for promoting high ethical standards within Parish Councils. Within its terms of reference the Standards Committee can also undertake any action that improves, promotes, safeguards and facilitates the highest standard of probity and ethical conduct by the Council, its Members and Officers and advise the Council on ethical aspects of good governance standards for public life.
- 3.2 Further, Members of the Standards Committee may also be required to participate directly in the process for dealing with allegations that a Member has breached the Code of Conduct if a Hearings Panel of the Committee is established following an investigation into an alleged breach of the Code.
- 3.3 Therefore, it is important that individual Members of the Standards Committee are themselves adequately trained in ethical and governance matters to enable them to act as effective Members of the Committee.
- 3.4 Members of the Standards Committee are therefore asked to consider the level and type of training that they require as a Committee, on ethical and governance matters and advise the Monitoring Officer accordingly (taking into account the fact that there are new Members on the Committee, some of whom are also newly elected to the Borough Council).
- 3.5 In May 2015, following the election of the new Council, external trainers Hoey Ainscough Associates Limited provided a training session which was open to all Councillors. The training covered the Members' Code of Conduct, issues surrounding the identification and declaration of interests, the Arrangements for dealing with Code of Conduct complaints and a brief section on bias and predetermination in decision making. This introductory session may have identified topics about which Members wish to receive further detailed training about.
- 3.6 It is also recommended that the Committee establish a Working Group to consider the training requirements of all Members of the Council in relation to ethical and governance matters within the remit of the Standards Committee and devise a Training Strategy, which also includes consideration of the extent to which such training should be extended to Parish Councils within the Borough.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 There are no policy implications arising directly from this Report.

4.2 Resources and Risk

4.1.2 There is some specific budget available for Member training. The anticipated cost of the training will need to be assessed as the Working Group develops the Training Strategy.

4.3 Legal

4.3.1 There are no legal implications arising directly from this Report.

4.4 Equality

4.4.1 There are no equality considerations arising directly from this report.

4.5 Consultees (Internal and External)

4.5.1 Not applicable.

4.6 Other Implications

4.6.1 None.

5. Background Papers

None.

Marianne McCarthy
Solicitor