

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.