

Joint Standards Committee

19th February 2014

Report of the Monitoring Officer

Meeting of Standards Committee Chairs, Vice-Chairs and Independent Persons

Summary

1. This report advises Members of a recent meeting between North Yorkshire and York Standards Committee Chairs, Independent Persons and Monitoring Officers.

Background

2. On 5th December 2013 a meeting took place in York to which representatives from each North Yorkshire Council were invited. In the event there was attendance from York, North Yorkshire, Craven and Selby Councils. While Monitoring Officers do meet on a fairly regular basis the meeting was a relatively rare opportunity for Members and Independent Persons to meet with colleagues undertaking a similar role in other Councils.
3. The discussion covered a number of topics including:

Standards Arrangements adopted

- Each Authority present had used the flexibility provided by the Localism Act to provide for an initial assessment process by the Monitoring Officer in consultation with the independent persons.
- Most Councils have retained an investigation and hearing model resembling that which was in place under the previous arrangements.
- In Selby though complaints go to the Monitoring Officer for assessment in consultation with the Independent Person. The

Monitoring Officer decides whether any formal action is required. If the Monitoring Officer decides that a complaint merits further formal action, then he arranges a hearing conducted by the Monitoring Officer. The Monitoring Officer will then decide whether a breach of the Code has occurred: if there is a finding of no breach, then the matter is at an end. If there is a finding of a breach, the Monitoring Officer may, after consulting the Independent Person, seek a local resolution, however if that is not acceptable to the complainant then a report is taken to full Council (or relevant Parish Council) with a recommendation on the appropriate sanction, and full Council determines the matter.

- In at least one of the Councils which was not represented the Standards and Audit Committees have been merged.

The role of Independent Persons

- There was a discussion as to whether the Independent Person might have a role in relation to mediation but some attendees expressed concern that mediation requires specialist skills.
- There was a consensus that there may be a role for Independent Persons in helping to deliver training.
- The question of dealing with differences of view between the Independent Persons and the Monitoring Officer was raised. In one Council decision letters are required to identify any disagreement. In another there is a specific protocol allowing the Independent Persons to approach the media if they think it necessary.

Dealing with persistent/ vexatious complainants

- North Yorkshire Standards Committee had been given a role in helping the Council manage persistent and vexatious complainants and had recently been consulted for the first time in dealing with such an issue.

Training

- There was general agreement that there may be value in organising joint training for Standards Chairs and Independent Persons if there are new ethical framework developments or new guidance issued.

General thoughts on the Standards Regime

- Attendees made a number of general comments including:

Positive factors	Areas of difficulty
Decision making is quicker.	There are different Codes of Conduct within the North Yorkshire area.
Flexibility for the Monitoring Officer.	The level of knowledge of standards requirements at parish council level and the level of sense of ownership by parish councils of their Code.
Good liaison with Monitoring Officers.	
Although the sanctions available under the regime are less wide ranging than previously, and may of themselves be perceived to be less of a deterrent, the publicity around complaints can prevent drift into more serious misconduct. Serious misconduct is also now dealt with under the criminal offence provisions.	Fewer, less wide-ranging, sanctions available under the standards regime. Perception of 'lack of punishment' unless serious, fraudulent misconduct.
A quarterly Standards Bulletin produced by North Yorkshire Council was thought to be useful.	Failure to register interests is now a criminal offence. This was felt to be an inflexible approach

	<p>for the more minimal, inadvertent, breaches where there was no gain to the councillor concerned.</p> <p>It was felt that this should be addressed at a political level.</p>
The introduction and value of Independent Persons as advisers on standards issues.	
Standards issues are taken more seriously.	
Awareness-raising of standards issues.	
On balance, there are few complaints about standards in local government.	

4. The meeting was well received and it was agreed that it would be useful to have further meetings on a periodic basis.

Recommendations

5. Members are recommended to:
- 1) Note the report
 - 2) Identify any issues arising from the meeting which the Committee may wish to pursue

Reason: To enable the committee to benefit from the sharing of good practice with other authorities.

Contact Details

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**Report
Approved**

Date 11/02/14

Wards Affected: List wards or tick box to indicate all

All

For further information please contact the author of the report

Background Papers:

None

Annex

None