

Full Council

9 July 2009

Report of the Chair of Standards Committee

**Annual Report of Standards Committee
Year 08-09**

Foreword by the Chair

I am pleased to provide a foreword to this annual report of York's Standards Committee. I hope that, from this report, you will gain a good insight into our work.

We have accomplished much this year, including the recruitment and induction of three new independent members and two additional parish council members. It was good to know that we were able to attract enough high calibre applicants to meet the needs of the new local assessment framework, as detailed in Paragraph 6.

The committee is pleased to accept comments and questions about this report.

Summary

1. This report sets out a summary of the work and activity of the City of York Council Standards Committee during the municipal year 08/09.

Background

2. Each local authority is required by law to establish a Standards Committee to uphold and promote good standards of ethical conduct within the authority and any Parish Councils within the authority's area, focussing primarily on the activities of elected members. A major aspect of the committee's work concerns interpreting and applying the Members' Code of Conduct when dealing with complaints from members of the public. In addition the committee contributes to ensuring high ethical standards in other ways such as the review of internal protocols and raising awareness through training.
3. The committee consists of 11 members, 4 Elected Members of the authority, 4 Co-opted Independent Members and 3 Co-opted Parish Council Members. The Chair of the Committee and its sub-committees must be a Co-opted Independent Member and when the committee/sub-committee is dealing with a complaint concerning a Parish Council, it must include at least one Co-opted Parish Council representative.

4. In 2008 the committee established 3 sub-committees, Assessment, Review and Hearing, to deal with complaints under the new local assessment process introduced in May 2008. The local assessment sub-committee considers initial complaints and decides whether the complaint warrants further investigation. Following a complainant's request the review sub-committee reviews decisions of the assessment sub-committee where it has decided that no further action is necessary and finally, the hearings sub-committee considers the results of investigations where one has been initiated. The sub-committees sit in panels of three and must be chaired by a Co-opted Independent Member.

Summary of Activities

5. The Standards Committee has met on six occasions during the municipal year 08/09. In addition to these regular meetings the local assessment sub-committee has met on four occasions during which it considered six complaints concerning nine elected members. In two cases the sub-committee decided to initiate an investigation. The review sub-committee has met on 2 occasions and on both occasions it upheld the earlier decision of the local assessment sub-committee. The hearings sub-committee has not yet been convened to consider the report of an investigation initiated by the local assessment committee.

Specific Projects –

Implementing the New System for the Local Assessment of Complaints

6. One of the main pieces of work for the Standards Committee in the last year was the implementation of the new system for dealing with complaints about the conduct of elected members. Prior to May 2008 complaints against members were made to the Standards Board for England. Once they received a complaint their own staff would decide whether it warranted an investigation and, if so, the Standards Board would either investigate it or refer it to the local authority for investigation. Under the new system, complaints are made directly to the Monitoring Officer who is required to report them to the Local Assessment sub-committee of the Standards Committee which is responsible for deciding whether the complaint warrants investigating.
7. The actual process to be followed when assessing complaints locally is laid down in regulations and guidance issued by the Standards Board. In addition, the CoYC Standards Committee has developed a protocol to assist it and others to understand how complaints will be dealt with. As with any new system issues are emerging in practice and the Standards Committee will undertake a review of how the system has been functioning following a year in operation. Additionally, the Monitoring Officer, has taken part in a number of workshops with the Standards Board for England, in order to feedback concerns on how the new regime is working in practice and it is hoped that this may contribute to future development of the process.
8. One concern which has emerged both at CYC and at other councils, is the limited amount of information that may be given to the member being

complained about prior to the matter having been reported to the Local Assessment sub-committee. Another related issue is that the member complained about is not permitted to make any representations to the sub-committee at the initial assessment stage.

9. The implementation of the new local assessment system has been a major project for the Standards Committee and the officers supporting it. In addition to devising the processes the change in process was required to be publicised in order that the public are aware of how to complain. In this regard a dedicated area on the council's website was developed containing all the relevant information and guidance. The introduction of the system was also publicised in the press and the staff magazine. Members of the committee also undertook training workshops in order to familiarise themselves with the process and the nature of the decisions required to be made.

Review of the Member/Officer Protocol

10. Although much of the committee's efforts have been absorbed in the implementing and running the new complaints system, the committee has also found time to undertake some other specific projects including a review of the Member Officer Protocol which was initiated in response to the findings of the Ethical Governance Health check. The Health Check itself was undertaken by the Audit Commission whose final report was issued in June 2008 and discussed by the Standards Committee at its meeting in July 2008. The Ethical Health Check had highlighted potential areas for improvement in the way officers and members understand each others' roles and responsibilities and thereby facilitate more effective working relationships. The report also commented on the awareness of equalities and human rights legislation.
11. It was recognised that the Member/Officer protocol can play a part in establishing clear guidelines for members and officers as to their respective roles. The committee considered the protocols of a number of other local authorities and agreed some changes to the CYC protocol with the intention of making the protocol clearer and simpler. The revised draft protocol has been issued for consultation and the results are currently being collated and will be considered in the formulation of a final draft. The Standards Committee will agree a final draft and then recommend this to full council for approval.

Consultation – Revised Code of Conduct and an Officers' Code of Conduct

12. During the year the DCLG issued a consultation document that sought views on proposals to make further changes to the Members' Code of Conduct and on the introduction of a mandatory Officers' Code of Conduct. The proposed changes to the Members Code are various but include the extension of the code to cover actions in one's private life which may constitute a criminal offence. The Standards Committee discussed the proposals at length and a summary of the discussions was submitted to DCLG.

13. Head of Civic, Democratic & Legal Services and the Chair of Standards Committee attended the National Conference in Birmingham on 5 and 6 September 2008, at which developments in respect of the role of Standards Committees and the implementation of the new local assessment of complaints were discussed. The conference also included a range of workshops for delegates to give them hands on experience of a range of matters and the opportunity to share experiences with others from around the country and feedback to the Standards Board itself. The Monitoring Officer in conjunction with the Standards Board Head of Legal, ran a workshop on the initial stages of dealing with complaints.

Future Work-plan

14. Going forward into the new municipal year there are a number of significant areas of work for the Standards Committee. A revised code of conduct for members is expected to be issued at some stage during 2009 and this will need to be implemented and training undertaken. There may also be a new code of conduct for Officers which will need to be introduced and promoted and we await further news from the DCLG on this front.
15. With the additional workload arising from the new local assessment system there has been renewed interest in the possibility of joint working with other councils. New regulations have recently been enacted which specifically enable councils to establish joint standards committees to undertake some of the functions in this respect. It is envisaged that such arrangements may be particularly beneficial in the context of dealing with complaints as such joint arrangements offer the possibility of greater independence for the decision making panels and more consistency in decision making within an area.
16. However, there are many complex issues for the Standards Committee to consider before it would be in a position to make any recommendations regarding joint working and there would also need to be another council willing to explore the possibility. The Standards Committee shall give careful consideration to these issues and assess whether there are any potential benefits for York in pursuing such a course.
17. An ongoing challenge for the Standards Committee is that of promoting itself and its work within York in order to raise awareness of CYC's commitment to high standards of conduct. In this respect the committee will seek to raise its profile and seek to enhance its engagement with the 31 Parish Councils within the City of York boundary in recognition of the important part the Parishes play in the local government landscape.
18. As mentioned earlier in the report, the Standards Committee will also be conducting a review of the functioning of the new local assessment of complaints with a view to ensuring that the CYC protocol and structures are fit for purpose.
19. The Standards Committee will also be playing its part in supporting and contributing to relevant aspects of the Council's 'Improvement Plan'.

Closing Remarks from the Chair

The ethical agenda has once again been brought to the fore, in the minds of the general public, with the publicity surrounding the MP's expenses. It is evident that the public are interested in and concerned about ethical behaviour. Therefore the role of the Standards Committee in creating an ethical framework which governs the relationship between high standards of conduct and transparency and openness in decision making needs to be more widely publicised and promoted in order to ensure public confidence in the council's strong, healthy ethical culture.

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