

## **STANDARDS COMMITTEE**

**16<sup>th</sup> March 2012**

### **Report of the Monitoring Officer**

#### **New Standards Arrangements**

#### **1 Background**

- 1.1 This report updates Members on progress with putting in place new arrangements for dealing with standards issues affecting the City of York Council and the local Parish Councils with effect from 1<sup>st</sup> July 2012.

#### **2 Consultation with Parish Councils**

- 2.1 Since the last meeting the Monitoring Officer, in conjunction with the Yorkshire Association of Local Councils, has consulted Parish Councils on their views as regards the new arrangements. The consultation questions are annexed to this report as Annex 1 and a summary of the ten responses received is at Annex 2.

#### **3 The Code of Conduct**

- 3.1 The Act contains a duty for each relevant authority to adopt a code of conduct for their members and co-opted members.
- 3.2 The Code must contain the provisions which the Authority consider appropriate in respect of the registration and declaration of pecuniary and non pecuniary interests. However, the Act also requires the registration and disclosure of “Disclosable Pecuniary Interests” (DPIs). Regulations will provide a definition of DPI’s. At the time of writing this report Regulations have not been issued.
- 3.3 The Standards Committee has provisionally indicated support for ensuring a level of consistency with other Councils in terms of the Codes being adopted and a willingness to consider national models.

The consultation responses from Parish Councils are also supportive of the idea of ensuring consistency.

- 3.4 At a national level the Local Government Association has taken on work, which had been started by ACSES, to develop a model code and NALC have been working on a Parish Model Code. The publication of these is believed to have been delayed by the absence of Regulations.
- 3.5 This creates a timing difficulty for the City Council. It may be that the Council will not be in a position to adopt a new Code until its meeting on 19<sup>th</sup> July 2012. An interim position could be to resolve to adopt the “behavioural” provisions of the 2007 Code contained in paragraphs one to seven and simply add to them a requirement to register and declare DPI’s. Members may wish to make a recommendation in that regard.

#### **4 Standards Committee**

- 4.1 The Act removes the requirement to have a statutory Standards Committee. However, there will still be a need to deal with standards issue such as:
- Promoting high standards and monitoring the Council’s ethical framework
  - Granting dispensations from declaring interests
  - Dealing with case work – the City Council has a duty to put in place arrangements for investigating and making decisions in respect of complaints against its own and against Parish Councillors.
- 4.2 At the last meeting Members agreed that there was a continuing need for some kind of Standards Committee from which hearings panels would be drawn. It was recognised that the Committee would have to comply with general provisions of local government law and would not have the unique features of the statutory Standards Committee particularly as regards voting rights. All the future options identified had some disadvantages either lacking voting Parish Councillors or being excessively bureaucratic.
- 4.3 The consultation responses from Parish Councils indicate majority response for a joint committee with seven consultees supporting that option, one suggested an ordinary committee, one made no comment other than to support a reduction in bureaucracy and one wanted to maintain the status quo.
- 4.4 Members are invited to express a view on the way forward

## **5. Arrangements for dealing with complaints**

- 5.1 Attached at annex 3 is a draft set of arrangements for dealing with complaints, which builds on the recommendations made at the last meeting for introducing a system which allows speedy and fair resolution of complaints. Members are invited to approve those arrangements subject to any comments that they may have.

## **6. Independent Person(s)**

- 6.1 The independent person has to be consulted before there is a finding that a Member has breached the Code and before any action is taken and may be consulted at other stages. At the last meeting Members agreed to a recommendation that one independent person should be appointed with up to two reserves. On reflection the Monitoring Officer is now inclined to the view that two independent people should be appointed. It would not be a great burden to consult them both, having two of equal status may provide more opportunities for them to support each other and it would also avoid any questions as to whether the reserve had been properly called upon.
- 6.2 It is therefore recommended that two independent persons be appointed.

## **7. Dispensations**

- 7.1 At the last meeting the issue was raised as to how Parish Councillors would be able to obtain dispensations from requirements to disclose interests. This will be a function of the individual Council and not the Standards Committee as now. The problem for Parish Councils is that the need for a dispensation will invariably arise where most of the Council have the same interest.
- 7.2 The obvious options are for Parish Councils to delegate the dispensation decision to the Parish Clerk or to ask the Standards Committee to deal with the issue. Any request to the Standards Committee would need to be made before the issue arose and might best be dealt with as part of the process of establishing the Committee.
- 7.3 The Monitoring Officer will raise this issue with the Local Councils Association.

## 8. Recommendations

- a) The City Council be recommended to adopt an interim Code of Conduct as detailed in the report to take effect from 1<sup>st</sup> July 2012.
- b) The Standards Committee confirm its recommendation as to the formation of a new non-statutory Standards Committee
- c) The Standards Committee approve the arrangements for dealing with complaints set out in annex 3
- d) The City Council be recommended to appoint two independent persons to undertake the functions set out in the Act and the draft procedures

Reason: To recommend to Council new arrangements for dealing with standards issues.

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	<b>Report Approved</b>	√	<b>Date</b> 06/03/12

### Background papers

Parish Council responses to consultation

Annex 1 – Consultation questions

Annex 2 – Summary of responses

Annex 3 – Draft set of arrangements for dealing with complaints