

NORTHUMBERLAND

Northumberland County Council

STANDARDS COMMITTEE

DATE: 11TH JANUARY 2018

PROMOTION AND MAINTENANCE OF HIGH STANDARDS OF CONDUCT

Report of the Monitoring Officer

Cabinet Member: Councillor Nick Oliver - Corporate Services & Cabinet Secretary

Purpose of report

Recommendations

To consider the report and decide upon what, if any, action the Committee wishes to identify to be undertaken in pursuit of the fulfilment of the statutory duty in relation to the promotion and maintenance of high standards of conduct

Link to Corporate Plan

This report is relevant to the “We want to be efficient, open and work for everyone” or “How” priority included in the draft NCC Corporate Plan 2017-2021

Key issues

Extent of Council and Standards Committee’s responsibilities under the Localism Act in respect of member conduct

Consideration of how the Standards Committee can be more proactive in respect of those responsibilities

Background

1. At its last meeting, this Committee requested that the Monitoring Officer prepare a report prior to this meeting on how the Standards Committee might be more pro-active in carrying out its duties and responsibilities especially in relation to local councils.
2. Under section 27 of the Localism Act 2011 all local authorities in England have a duty to “promote and maintain high standards of conduct by member and co-opted members” of their authority. That duty applies to all parish and town councils but the duty which falls on principals authorities does not now, following the passing of the

2011 Act, appear to extend to formal responsibility for such promotion and maintenance of high standards of conduct in relation to members and co-opted members of local councils although the Council, through this Committee, may wish to support local councils on an informal basis. Principal authorities do, of course, have formal responsibility for the handling of member misconduct complaints against both their own and local council members in their administrative area as referred to below in this report.

3. In fulfilling the duty referred to above the Act requires all local authorities affected to adopt a code dealing with the conduct that is expected of members and co-opted members of their authority when they are acting in that capacity. The Act provides for parish and town councils to be able to adopt the code adopted by its principal authority but, in any event, regardless of which code is adopted each authority must, under the Act, ensure that the code adopted by it is, when viewed as a whole, consistent with the Nolan Principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
4. Under the previous statutory ethical framework, the Local Government Act 2000 placed the duty referred to in paragraph 1. above, not on local authorities, but rather on the Standards Committees of those authorities required to have the same under the 2000 Act which was all local authorities with the exception of parish and town councils.
5. Beyond the statutory requirement for local authorities to adopt a members' code of conduct it would appear to be at an authority's discretion, largely, as to how it might further fulfill its statutory duty as outlined above.
6. A principal authority, of course, does have a duty also to have in place arrangements under which allegations of member misconduct in respect of both its own members and those authorities in its area - parish and town councils - can be considered, investigated and decided upon. The County Council adopted such arrangements with effect from the 1st July 2012 and these continue in operation with the details of any complaints received and the progress with them reported to each meeting of this Committee
7. There are 148 parish and town councils within Northumberland and approximately 1200 local councillors as well as 67 elected County Councillors and up to 18 co-opted members. With limited resources both at officer and member level there will, of course, be a limit to what might be achieved in supporting the promotion and maintenance of high standards of conduct amongst elected and co-opted members but consideration could be given to the provision of training sessions from time to time, the promotion of a telephone and email helpline which could provide assistance with interest queries and conduct issues and perhaps an electronic "newsletter" might be issued from time to time when matters of interest arose although the Northumberland Association already do issue an excellent regular newsletter, "NALC News" which covers ethical framework issues as well as other issues of interest to local councils.

Implications

Policy	N/A
Finance and value for money	None significant
Legal	None significant
Procurement	N/A
Human Resources	Any work resulting from this report will have an impact from staffing resources the extent of which is, as yet, unquantifiable
Property	N/A
Equalities (Impact Assessment attached) Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	N/A
Risk Assessment	N/A
Crime & Disorder	N/A
Customer Consideration	It is considered that the underpinning of the current obligations under the member code of conduct in respect of this matter will provide further assurance and transparency in relation to the operation of the ethical standards regime
Carbon reduction	N/A
Wards	All divisions

Background papers:

Localism Act 2011

Report sign off.

	initials
Finance Officer	n/a
Monitoring Officer/Legal	LH
Human Resources	n/a
Procurement	n/a
I.T.	n/a
Executive Director	KA
Portfolio Holder(s)	NO

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