

Standards Committee

A meeting of the Standards Committee was held on 28th April 2006.

Present: F W Hayes (Independent Chairman), Councillors Baker, Mrs Beaumont, Fletcher, Sherris, Mr T Bowman (Parish Representative) and Mr L W Hedley (Parish Representative).

Officers: D E Bond and M. Henderson (LD).

Apologies for absence were submitted on behalf of Councillors Teasdale, Mrs E Chapman (Independent Member) and Mrs F Robinson (Independent Member),

109 Minutes

The minutes of the meetings held on 16th March 2006 were confirmed as a correct record.

With reference to minute 1166, the Committee noted that Darlington Borough Council had indicated that they had received a great deal of interest in their suggested establishment of an independent Member Forum in the Northern Area. The Committee would be informed of developments as they occurred.

110 Committee on Standards in Public Life

The Committee was provided with details of the work of the Committee on Standards in Public Life (the Graham Report).

It was explained that the Graham Committee had published its Annual Report for 2005 and extracts were provided to the Committee. It was noted that the full report was available on the Graham Committee's website.

Members noted that the Graham Committee had indicated that it proposed to conduct an inquiry into the mandate, Governance and accountability of the Electoral Commission and had published an Issues and Questions consultation paper on this matter. Copies of a letter from the Chair of the Graham Committee, relating to the Electoral Commission Review, was provided together with a summary of questions.

RESOLVED that the report be noted

111 Confidential Reporting Policy

Members were provided with an update report regarding the Council's Confidential Reporting Policy.

Members were reminded that the Committee had received a detailed report on the Council's confidential reporting policy in November 2002, when details of the current policy were provided, together with proposals for publicising its purpose and raising awareness of its provisions.

Since November 2002 the following initiatives had been undertaken to widen and strengthen awareness of the policy:-

- The February 2003 issue of Keeping You In Touch (KYIT) had a reminder for all staff of Confidential Reporting (Whistle-blowing) issues with a list of nominated contact officers and telephone numbers.
- The Spring 2004 edition of Stockton News had a two page article bringing the Council's anti-fraud policies to the attention of the public and gave contact details for those wanting to report suspected fraud issues.
- The July 2005 issues of KYIT had another reminder under the heading of Anti-Fraud measures.
- The Whistle-blowing and confidential reporting procedures were also referred to in the Council's induction process.

- The anti-fraud policies had been updated to take account of money laundering legislation. Examples at a local level could be drug dealers paying bills regularly in cash.

More recently a survey of Nominated Officers had taken place in order to ascertain their views about the policy. In the light of comments made in the survey, an action plan had been developed. A copy of the survey form and synopsis, together with the action plan arising from the survey were provided.

A survey of employees generally, was also proposed and a copy of the proposed questionnaire was provided. Depending on the replies, an appropriate action plan would also be developed as a response to issues raised.

Members were provided with details of the impact of the reporting policy and noted that a range of concerns had been reported and investigated. These included:-

- the accuracy of Council records regarding maintenance work
- the integrity of a Council employee relating to a registration issue
- an employee on long term sickness absence
- failure to follow procurement procedures
- inaccurate/incomplete data e.g about consultees
- failure to follow contract procedure rules

It was intended to publicise some of these anonymised cases, so that employees could see the practical implications and importance of the policy to the Council's anti-fraud initiatives.

Members noted that the present policy applied to the Council's employees and did not extend to third parties such as external providers, contractors and suppliers. Other Local Authorities had taken the step of widening the scope of their policies to this extent and it was regarded as good practice, given the increasing number of external providers, suppliers and partnership arrangements involved in the local government sector.

A copy of the proposed revised Policy was provided to the Committee and noted the proposed changes.

The Council's (Officer) Procurement Working Group supported the extension of the Policy's scope to the Authority's formal contractual relationships with third parties.

The matter had been considered by the Members' Advisory Panel, who supported the proposed extension. Consultation was taking place with the Unions and a report had been submitted to Cabinet on 20 April which had recommended approval of the revised policy. They had also recommended that the Policy be relaunched to publicise the changes to all employees and Members and that it also be highlighted to third parties involved in existing and proposed contractual relationships with the Authority.

RECOMMENDED to Council that the proposed revised Confidential Reporting Policy be agreed and relaunched.

112 Interests and Gifts and Hospitality

The Committee considered an update and further information regarding arrangements relating to:-

- (1) Members and Officers' interests and gifts and hospitality; and
- (2) Parish/Town Councillors' interests and gifts and hospitality

Members were reminded that, at its meeting held on 16 December 2005, the Committee had considered a report providing specific details of the arrangements for Members and Officers' interests and gifts and hospitality, and the arrangements relating to Parish/Town Councillors' interests and gifts and hospitality.

It was explained that Members continued to be reminded, in a variety of ways, of their responsibility to notify the Monitoring Officer of any changes to their interests, within 28 days of those changes occurring.

Most recently, all Members had been advised of the need to review their register of interest details following the appointments made at the Annual Meeting on 5 April, and to change those details where necessary. Members noted that this could be done by notifying the Monitoring Officer in writing of any change. There was not a requirement to complete a new form.

A similar reminder would be sent to Members following the appointments made at the Cabinet meeting on 20 April 2006.

Specific advice continued to be given to Members before meetings about potential declarations of interest. Recent examples of advice provided before Cabinet and Council meetings were provided to Members.

A number of gift and hospitality returns had been made since the last reminder about the requirements of the Code, primarily in relation to the civic function.

With regard to Officers, the most recent reminder about the procedures in place for registering interests and gifts and hospitality had been sent in March 2006. As a result Key Officers Lists (lists of those Officers who because of the nature of their post or responsibilities should provide (at least) an annual return even if they consider they have no interests to declare) were being compiled and a significant number of interests returns had been received. Consideration was also being given to applying the key officer lists to gifts and hospitality as well as to interests.

A recent audit of client financial services assessments teams had given rise to a recommendation in relation to the declaration of personal interests by Officers whose families or friends were applying for services (and who therefore had to be assessed for charging purposes). Whilst such Officers were aware that they should not themselves be involved in an assessment of their families' or friends' applications, they had not in the past specifically submitted a declaration of interests return. Forms had now been provided to Internal Audit for passing on to, and use by, the Officers/Services concerned.

The Committee was informed that changes to interests or new interests returns were being received on a regular basis from Town/Parish Clerks. To date no submissions had been received regarding gifts and hospitality, but this was not considered to be indicative of any specific issue or problem.

RESOLVED that the report be received

113 Freedom of Information

The Committee was provided with further information regarding the impact of the Freedom of Information Act ("FOIA").

It was noted that since the report to the Committee on 16 December 2005, the Improvement and Development Agency (IDeA) had issued a briefing paper on the impact of the FOIA on local authorities, which provided recommendations for good practice. A copy of the main body of the summary report was provided. The full report was available on the IDeA's website

Key findings in the report included that:-

- Councils were adjusting to the changes resulting from the Act, but possibly at a cost to other services
- it was costing the average Council approximately £120,000 a year to respond to requests, excluding senior management time on dealing with complex requests
- there was evidence that the culture within Councils was becoming more open and transparent
- information strategies and records management issues were becoming more important as Councils recognised the value of information

The Information Commissioner had also published a report on FOIA. The Information Commissioner's Office ("ICO") commissioned a research project amongst public authorities aimed at enhancing understanding of how freedom of information was working in practice. Specific objectives of the research were designed to help understand:-

- whether the FOIA had led to a culture of increased openness, and whether public authorities were publishing more information as a matter of course since the introduction of the Act;
- estimated volumes of information released under the Act (through publication schemes and general right of access) that would not previously have been made available to the public. What types of information were being requested and what was being released/withheld and why;
- what were public authorities' perceptions of the Act, and what they perceive its benefits (and drawbacks) to be.

Extracts from the ICO report and the summary were provided for Members.

The Committee was also provided with the following documents:-

- a media coverage snapshot, issued by the ICO, illustrating the range and type of information being released under the FOIA.
- A selection of Information Commissioner's Decision Notices following complaints received about public authorities' responses to requests for information.
- a copy of a private sector briefing note about the FOI regime, one year on, for the Committee's information including details of two Information Tribunal decisions (appeals from IC's decisions).

RESOLVED that the update information provided be noted.

114 Information/Discussion Items

The Committee received the following information:-

- A copy of The Standards Board Bulletin – Issue 28 April 2006.
- A copy of significant Adjudication Panel decisions including brief summaries of the cases

- A newspaper report on a Court Case – Regina (Port Regis School Limited v north Dorset District Council) which related to Freemasonry, and issues surrounding members, who were Freemasons, declaring interests
- An updated copy of the Committee's work programme.

RESOLVED that the information be noted and the updated work programme agreed.