

Standards Committee

A meeting of the Standards Committee was held on 25th May 2006.

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

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

Minutes

The minutes of the meetings held on 28th April 2006 were confirmed as a correct record.

Complaints to the Standards Board and Local Investigations

Members were reminded of previous reports regarding complaints to the Standards Board and also the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004.

The Committee were provided with a report that advised of a new complaints leaflet and explained the procedure for informing the Committee when an investigation would be taking place. Copies of the new leaflet were distributed at the meeting.

Members noted that, at its meeting held on 16 March, 2006 the Committee had been informed that the Standards Board recommended to Monitoring Officers that when a complaint was referred to them, for local investigation, they should notify Members of the Standards Committee in a confidential memorandum that he/she was conducting an investigation. However, they should not inform Members of the identity of the Member or the complainant, in order to avoid any risk of prejudicing any subsequent hearing.

The agreed investigation procedure provided that "the Monitoring Officer would take appropriate action to ensure that each Member of the Standards Committee was aware that a referral had been made and that an investigation was taking place, bearing in mind the Standards Board guidance on local investigations. "

RESOLVED that the report be noted

Misconduct Allegations – Sanctions and Members' Prejudicial Interests

The Committee considered a report that gave Members guidance on:-

- the sanction of suspension; the circumstances when it might be a justifiable sanction and the implications of suspending a member; and
- what action a member with a personal and prejudicial interest is able to take regarding the matter the subject of the interest.

Members were provided with extracts of guidance from the Adjudication Panel and also from the Standards Board.

The Committee noted that the Adjudication Panel's guidance related to action to be taken by a Case Tribunal where a respondent had been found to have failed to comply with a Code of Conduct, and provided details of the factors which may lead to a decision to suspend or partially suspend a Member. There was also guidance for interim case tribunals on interim suspensions.

The Committee agreed that the guidance would be useful for the Standards Committee should it be required to consider what sanctions (suspension or partial suspension included) it should reasonably and properly apply in any given case.

The Standards Board guidance provided further information for the Committee regarding the implications of suspending or partially suspending a Member.

Members also received guidance from the Standards Board regarding action, which a Member could properly take in relation to a matter in which he/she had a personal and prejudicial interest (e.g. by making written representations about the matter, but indicating the nature of their interest and stating expressly that their representations are made in a purely private capacity). Members could attend the meetings of other authorities, that they were not members of, as long as it was clear that they were only representing their own private views. Members queried whether the restrictions in making representations extended to other bodies, such as government departments.

The Committee discussed various aspects of this matter at length and recognised the difficulties it created. It was suggested that this particular issue should be highlighted to Members and Officers and appropriate advice provided.

It was noted that consultation on the new code of conduct had indicated that there would be a relaxation of the requirement, for members with prejudicial interests, to leave meetings. Members agreed that it would be interesting to note the particular wording of the new code and the affect it would have on this issue.

RESOLVED that the report be received and the issues raised by the Committee be highlighted with Members and Officers and appropriate advice provided.

Ethical Governance Audit 2006/2007

Consideration was given to a report that provided details of suggested ethical governance audit arrangements for 2006/2007

Members noted that Ethical Governance audits helped Councils to examine current procedures; examine current practices; implement the ethical framework; check and review progress; and provide a “reality check” and highlight deficiencies arising from poor systems and procedures. They could be used as an initial diagnostic tool; as an aid to implementation of the ethical framework and in ensuring a robust approach to monitoring, review and updating that framework.

Specifically, audits could be used to:-

- ensure that new Council arrangements were open, accountable and ethically strong
- promote high standards of conduct
- assist in building a “bond of trust” between Councils and communities
- identify best practice for sharing and dissemination.

Importantly, such audits could inform proposals for continuous improvement and help the Standards Committee to fulfil their role in promoting and maintaining high standards of conduct and assisting Members to observe the Code of Conduct.

The Committee noted the Council’s previous approach to Ethical Governance Audits and it was suggested that this approach be developed for the purposes of the 2006/07 audit. With this in mind it was proposed to:-

- utilise a range of existing or proposed processes which would provide insights into the ethical health of the organisation and help provide the basis of a desk top study aimed at producing recommendations for future action.

- re-survey Members (including co-optees), Officers and key Partners (and, if practicable, the public); and to
- report back in detail on the outcomes of the various processes and of the survey, and produce an action plan for improvement.

Members were informed of the ethical governance toolkit that had been developed by the Standards Board, the Audit Commission and the IDeA. The ethical governance toolkit was designed to help local authorities to assess how well they were meeting the ethical agenda and to improve their arrangements. The Committee noted that the toolkit consisted of 4 key elements each of which was administered by the Audit Commission or the IDeA:-

- **Self-assessment survey (Administered by the Audit Commission)**
This involved all elected Members, Senior Officers and staff from Democratic Services. Time: 1 to 4 days. Cost: circa £4,500
- **Full Audit (Administered by the Audit Commission)**
This involved the corporate leadership, senior management and Standards Committee Members. Time: 7 to 10 days. Cost: Circa £13,000
- **Light touch health check (Administered by the IDeA)**
This involved Standards Committee Members, the Monitoring Officer, the Chief Executive and senior management. Time: ½ day to a full day. Cost: Circa £1,500 per day
- **Developmental Workshops (Administered by the Audit Commission or IDeA).** This involved Standards Committee Members, Councillors, the Monitoring Officer, the Chief Executive and senior management. Time: 1 day per workshop. Cost: Circa £1,500 per day.

The benefits of using the toolkit were that it would enable the Council to have a better understanding of:-

- how well it was meeting the ethical agenda
- where it could make improvements
- how it could address issues
- how well it was meeting relevant CPA benchmarks
- how it could help ensure that high standards of ethical governance were sustained

Undertaking one element of the toolkit would clearly provide an added independent valuation to the Council's ethical governance audit and, as an introduction to the use of the toolkit, the Committee agreed that the light touch health check was the most appropriate option. Other options could be considered for future audits, based on the experience using the health check. It was noted that the Council would receive a summary report and action plan.

The Committee also agreed the overall framework, methodology and proposals for the ethical audit. When undertaking the audit, it was indicated that the synergy between the work of the Standards Committee and the Audit Committee/Audit should not be forgotten. The Committee's views and comments would in due course be submitted to Cabinet and Council. Subject to this it was recommended that the Director of Law and Democracy be authorised, in consultation with the Chair, to co-ordinate the audit, including finalising the survey forms; undertaking the desk top study and arranging the IDeA health check.

Recommended to Council that:-

1. The details relating to the 2006/07 ethical governance audit arrangements be agreed;
2. The Committee's comments on the arrangements be submitted to Cabinet and Council.
3. Subject to the above, the Director of Law and Democracy, in consultation with the Chair of the Committee, be authorised to co-ordinate the audit, including finalising and circulating the survey forms; undertaking the desk top study and arranging the IDeA light touch health check.

Annual Report of the Standards Committee

Consideration was given to a report that provided the Committee with the opportunity to consider its draft Annual Report for 2005/06 and to approve the final form of the Report.

The Committee noted that the production of annual reports was an essential part of the Council's and other organisations' performance monitoring, reporting and planning procedures.

Monitoring, planning and reviewing the work of the Committee (as well as that of the Monitoring Officer) should equally include an annual reporting process as best practice.

Members were provided with a draft of the Committee's first Annual Report (for 2005/06)

It was explained that the purpose of the report was not only to provide an overview of the work of the Committee in the past year, but also to identify and promote examples of best practice and to provide an opportunity to review and learn from experience. The report therefore, set out the Committee's Statutory responsibilities, summarised how those duties had been discharged during 2005/06 and drew attention to those issues that would require attention in the year ahead.

The Committee was asked to consider and provide comments on the draft, in order to inform the final version. Consultation on the report was also taking place with the Deputy Leader (as relevant Cabinet Member), the Head of Legal Services (Deputy Monitoring Officer), the Head of Democratic Services and the Corporate Governance Group.

Subject to Members comments, and any comments arising from the consultation referred to, it was proposed that the Director of Law and Democracy be given delegated authority to finalise the report, in consultation with the Chair of the Committee. The finalised report would then be brought to the attention of all Members of the Council and would also be placed on the intranet and the internet. A copy would, in addition, be made available to each member of the Committee.

RESOLVED that the draft Annual Report of the Committee for 2005/06 be approved and the Director of Law and Democracy be authorised to finalise the report, in consultation with the Chair of the Committee.

The Monitoring Officers Annual Report 2005/2006

As the production of annual reports was an essential part of the Council's, and other organisations', performance monitoring, reporting and planning procedures, monitoring, reviewing and planning the work of the Committee and of the Monitoring Officer (as a statutory officer, with attendant duties and responsibilities) equally should include an annual reporting process as best practice.

It was explained that a draft of the first such Monitoring Officer report for Stockton, relating to the municipal year 2005/06, was being drafted and the latest version would be presented to the Committee's meeting in June for consideration.

The purpose of the report would be not only to provide an overview of the work of the Monitoring Officer in the past year, but also to identify and promote examples of best practice and to provide an opportunity to review and learn from experience. The report would therefore, set out the Monitoring Officer's statutory responsibilities summarise how those duties had been discharged during 2005/06 in accordance with the Council's Constitution, legislative requirements and relevant Government guidance and draw attention to those issues that would require attention in the year ahead. More particularly, the report would cover the following:-

- The Constitution
- Lawfulness and Maladministration
- Good Governance
- The Standards Committee
- The Ethical Framework and Support to the Standards Committee
- Corporate Compliance with Legislation
- Member Training and Development
- The Independent Remuneration Panel
- Support to Council, Cabinet, Scrutiny and Committee Meetings
- Preparing and Publishing the Forward Plan

The Committee was asked to consider and provide any comments on what was proposed, in order to inform the draft document.

Consultation was currently ongoing regarding the draft with other officers, the Deputy Leader (as relevant Cabinet Member), the Head of Legal Services as Deputy Monitoring Officer, the Head of Democratic Services; the Corporate Management Team (including the Chief Executive as Head of Paid Service and the Corporate Director of Resources as Section 151 Officer) and the Corporate Governance Working Group which included the Chief Internal Auditor.

Subject to the outcome of the consultation, the draft report would be brought to the next Committee meeting.

RESOLVED that members pass any comments to the Director of Law and Democracy in order to inform the draft Annual Report, prior to consideration at the Committee's next meeting

Standards Committee Forward Plan 2005/2007

The Committee were provided with an updated version of the Committee's Forward Plan for 2005/2007. It was noted that the plan now included specific dates of forthcoming meetings.

RESOLVED that the plan be noted.