

Standards Committee

A meeting of Standards Committee was held on Thursday, 7th December, 2006.

Present: Mr F W Hayes (Independent Chairman), Cllr P Baker, Mr T Bowman (Parish Representative), Mrs E Chapman (Independent Member), Mr L W Hedley (Parish Representative), Cllr M Perry (Vice Cllr Mrs Beaumont), Mrs F Robinson (Independent Representative) and Cllr A B L Sherris

Officers: D. E. Bond, J. Grant, N. Hart, M. Henderson, M. Waggott (LD); H. Dean (PP)

Also in attendance: G. Gittins (The Audit Commission)

Apologies: Cllr Mrs Beaumont, Cllr Fletcher and Cllr Teasdale

843 Minutes

The minutes of the meeting held on 26th October 2006 were confirmed as a correct record.

844 Audit Commissions Annual Governance Report

The Committee was provided with the Audit Commission's Annual Governance Report 05/06 which had been considered by the Council's Audit Committee in September 06.

Gill Gittins, the Audit Commission's Audit Manager for Stockton, was in attendance and presented the report to the Committee.

The Committee was informed that the Audit Commission, as the Council's external auditor, was statutorily required to issue the report to those charged with governance. In Stockton on Tees Borough Council's case the Audit Committee was considered to fulfil that role.

It was explained that the report highlighted issues relating to the Council's financial statements and provide an unqualified opinion on them. It also highlighted issues relating to the Council's use of resources and provided a conclusion as to the Council's arrangements in achieving value for money.

The Committee considered the Commission's comments with regard to the Council's Financial Statements and noted that:-

- There were no material misstatements in the accounts that had required adjustment.
- The draft accounts were presented for audit in advance of the agreed timetable.
- The Commission had not identified any material weaknesses in systems of accounting and financial control that required reporting.
- The Commission had no matters to report with regard to auditing standards or of governance interest.

- The accounts had been amended to include a disclosure note concerning the qualification of the accounts of Connexions, which formed part of the group accounts.

The Committee was informed that the Commission's unqualified opinion was that the Council's financial statements presented fairly, in accordance with applicable laws and regulations and the Statement of Recommended Practice on Local Authority Accounting in the United Kingdom, the financial position of the Council and its Group as at 31 March 2006 and its income and expenditure for the year then ended.

Members noted that there were four significant issues relating to value for money that the Commission had to draw to the Committee's attention. Those were:-

- Data Quality
- Internal Control
- Asset Management
- Probity

With regard to Probity, it was noted that this related to Members of the Council who had failed to return their declarations as to whether or not they had any related party transactions. The Commission suggested that even if Members had no such declarations to make they should submit a nil return. The Council's Monitoring Officer indicated that he would be considering this issue with the Council's Chief Internal Auditor with a view to improving the number of forms returned.

It was explained that sufficient assurances had been obtained for all of the significant issues that they had identified and the Commission's unqualified conclusion was that, having regard to the criteria for principal local authorities specified by the Audit Commission and published in July 2005, in all significant respects, the Council had made proper arrangements to secure economy, efficiency and effectiveness in its use of resources for the year ended 31st March 2006.

The Committee noted that the District Auditor considered that the Council had taken a positive and constructive approach to the audit work the Commission had undertaken and he expressed, in the Governance Report, his appreciation to the Council for the assistance and co operation received.

RESOLVED that

1. the report be noted.
2. the Monitoring Officer and Chief Internal Auditor introduce improved procedures for securing the return of declarations, nil or otherwise, by Members, as to whether or not they had any related party transactions.

845 Single Equality Scheme 2007 - 2010

The Committee considered a report relating to the Council's Single Equality Scheme and Disability/Action Plan. It was explained that this matter had been

considered by Cabinet, at its meeting held on 30th November 2006. A copy of the Cabinet report, Scheme and Action Plan presented to Cabinet were provided to the Committee and Members noted that Cabinet had approved the Scheme and Action Plan.

It was explained that the Council had to deal with a range of complex Equality legislation. Public authorities had had a duty to “promote race equality” since 2002. In 2005 the Disability Discrimination Act was extended to place a duty on public authorities to “promote disability equality”, and the Equality Act 2006 required councils and other public bodies to “promote gender equality”. Each of those key pieces of legislation required the Council to publish an equality scheme.

Stockton Council first published its Race Equality Scheme in 2002 and revised it in 2005 to meet the requirement to review at least every three years. The deadline for publishing a Disability Equality Scheme had been 4th December 2006 and following Cabinet’s approval the Council’s scheme had been published on its Web site on that date.

Members noted some of the key issues:

- The scheme had been developed collaboratively with disabled people. A key action was to introduce a Disability Advisory Group to work with services to implement the action plan, to “mystery shop” improvements, to test their effectiveness and to consult in future.
- Equality Objectives linking to the Community Strategy and Council Plan had been developed and the action plan had been developed around those so that progress in achieving the objectives could be monitored and publicly reported.
- Impact assessments would need to be carried out on existing policy and practice and on decisions. A proportionate methodology for carrying out assessments would be developed and implemented in April 2007 with a programme to be agreed by the Corporate Management Team.
- An equality and diversity training programme for officers and members would be developed and implemented.
- Although remedial work to improve the accessibility of Council facilities for disabled people had previously been carried out, a second audit would be completed to ensure the Council continued to provide services from accessible facilities. The audit would be carried out in partnership with the Disability Advisory Group.
- Equality related employment policies and codes of practice would be reviewed and their application across the authority monitored.

It was explained that Members of the Standards Committee would also be provided with Diversity Training to assist them in their role.

RESOLVED that the report, Scheme and Action Plan be agreed.

846 Planning Code of Good Practice

The Committee considered a report relating to a draft planning code of good practice, which had been prepared.

Members noted that it was recommended best practice for local authorities to adopt a local code or protocol in relation to their planning systems. This had been advocated by the Nolan Committee in its Third Report and was later endorsed by the Local Government Association.

A copy of a draft Code of Good Practice for Stockton-on-Tees Borough Council was provided to the Committee and it was asked to consider the document and provide any comments it wished to make on its contents.

It was explained that the draft Code had been considered by the Planning Committee at its meeting held on 6 December 2006 and the main observations made by that Committee were provided as follows:-

Members of the Planning Committee pointed out that the guidelines in relation to pre application discussions with developers or applicants should take account of confidentiality requirements. Therefore it would not always be possible to report members' involvement in pre application discussions or obtain the approval of the committee for attendance at presentations.

Members of the Standards Committee agreed with this view and agreed that the guidelines should be revised to take account of this (paragraph 7.2 of the draft code refers).

The Planning Committee had also expressed some concern about the responsibility for Declaring interests at paragraph 9.6 of the draft code. One of the examples provided was that it was likely that a member would be required to declare an interest on a planning matter, where their spouse or partner had an interest in the matter. Some members felt this would be difficult to comply with since they may not be aware of their spouse or partner's interest.

This Committee felt that this should remain as it was in accordance with the Model Code of Conduct. Paragraph 8(1) of the Model Code required a member to disclose an interest that might reasonably be regarded as affecting the well being or financial position of himself, a relative, or a friend. Therefore a planning matter that might affect the well being of a member's spouse or partner, due to the spouse/partner's friendship or close acquaintance with an applicant, agent or objector should be disclosed. The committee felt that if it was not otherwise apparent, the spouse/partner should make the member aware of such an interest, so as to avoid complaints being made. Removing this guidance from the Planning Code would not necessarily protect the member from a breach of the Model Code.

The Committee noted some general comments which had been received from Members of Council, the main issues were:-

A query was raised regarding the status of the code and the sanctions for

breach. Once approved the Planning Code would be incorporated at part 5 of the Council's Constitution and would be binding on both officers and members. Whilst it was stressed that the code was intended to assist and guide members of the Planning Committee rather than impose penalties for non compliance, any failure to observe the code without good reason could lead to a finding of maladministration or, in certain circumstances, might represent a breach of the model code of conduct. Some uncertainty was expressed in relation to informal comments and views expressed by members prior to a planning meeting and at what stage these may lead to the member having a personal and prejudicial interest, particularly where members had been involved in a campaign or lobby group. The Committee agreed that as there was no hard and fast rule on this, each case should be considered on its individual merits.

The Standards Committee welcomed the draft planning code of conduct and supported its adoption by the Council subject to a proposed amendment to paragraph 7.2 in relation to pre application discussions.

It was explained that subject to the above and to any comments from Cabinet, at its meeting to be held on 4th January 2007, the draft Code would be revised and recommended for approval to Council on 17 January 2007.

RECOMMENDED to Council that the draft planning code of conduct be adopted subject to the proposed amendment to paragraph 7.2 in relation to pre application discussions.

847 Learning and Development Strategy for Members

Members considered a report regarding proposed revisions to the Council's Learning and Development Strategy for Members (LDSM).

The Committee was reminded that it had considered a report at its meeting held on 22nd June 2006 and had agreed that revisions to the plan were needed and had supported the intention that this be achieved based on the criteria of the IDeA and Regions Charter for Member Learning and Development, which the Authority had agreed to sign up to. The Council's Members' Advisory Panel had, and would, continue to be closely consulted on the matter.

As part of the development of the new LDSM the views of this Committee were sought particularly in regard to the following specific provisions developed in support of the Strategy:-

- Vision, Aim and Objectives of the Strategy
- Roles and Responsibilities
- Induction Programme for new Members post elections 2007· Proposed approach to Personal Support Planning for all Members
- Content of Proposed Member Learning and Development Programme
- Information Service

Members were provided with an overview of proposals under the above provisions including an Action Plan detailing milestones and targets that must be reached in order to achieve Chartered Status together with a draft Induction Programme to be delivered post Elections 2007.

The Committee discussed the report and welcomed the proposed revisions and Initiatives. It was noted that further reports would be presented to the Committee.

RESOLVED that the proposed revisions to the Council's Learning and Development Strategy be endorsed and the Director of Law and Democracy be authorised to develop the strategy further

848 Review of New Scrutiny Co-ordination Arrangements

The Committee considered a report advising it of the proposed approach to the review of the Council's new Scrutiny Co-ordination Arrangements and seeking its views on the proposals.

As reported to the Committee in February, following an all Member Seminar and consideration by the Members' Advisory Panel, Cabinet on 3 November 2005 recommended new scrutiny co-ordination arrangements which were subsequently approved by Council on 14 December 2005. It was agreed that there would be an interim progress check at the three month point and that the arrangements would be reviewed by the Members' Advisory Panel after six months of operation.

The interim progress check revealed that all arrangements had been implemented as agreed and progress was reported to Executive Scrutiny Committee on 4 July and the Members' Advisory Panel on 18 August. Details of the interim progress check were provided to the Committee.

In order to feed into the six months review by the Members' Advisory Panel, a report was submitted to the Panel on 2 November 2006 which proposed that views on the implementation of the new arrangements be sought from Members and Officers on key issues. The Centre for Public Scrutiny had designed a self evaluation framework based on the principles set out in the "Good Scrutiny Guide" and this approach was advocated in order to review the Council's new scrutiny co-ordination arrangements by focusing on the key questions contained in the evaluation framework. The subsidiary questions could be used as prompts by facilitators during workshop sessions. The framework aimed to provide objectivity by asking the evaluator to

- demonstrate evidence of achievement
- identify areas of improvement
- highlight potential barriers to improvement

The framework could be used in a variety of ways. The following approach had been adopted:-

- framework used as a survey sent to all Councillors
- held separate workshops for
 - o Executive Scrutiny, Select Committee Chairs and Vice Chairs
 - o Cabinet Members
 - o Officers (CMT Link Officers and Scrutiny Officers)

The results would then be used to identify areas for improvement for further

discussion at Corporate Management Team and Members' Advisory Panel.

The evaluation framework survey/workshop questions were considered by the Committee and Members were asked to provide any comments at the meeting or subsequently to the Director of Law and Democracy or Head of Democratic Services.

RESOLVED that the methodology for the review of the Council's new Scrutiny Co-ordination Arrangements be noted and any specific comments be provided direct to the Director of Law and Democracy and Head of Democratic Services.

849 Review of Members Information Provision

The Committee considered a report informing Members of the results of a consultation on a review of the current Members' Library provided to Elected Members. The purpose of the review had been to ensure that an adequate resource existed that fulfilled Members support and information needs in an effective and efficient manner.

The Committee was provided with a copy of a questionnaire that had been circulated to Members as part of the consultation process.

Members noted the main results of the consultation and the conclusions arrived at.

It was evident from the responses received that a relatively small number of members used the facility regularly. Members had expressed a wish that they be alerted to occasions when new publications/documents had been added to the library. It was highlighted that there was a need to make use of the facility available to the Council's co-opted representatives; such as those appointed to the Standards Committee; and Education Diocesan and Parent Governor representatives. It was explained that Democratic Services would be writing to co-opted Members to inform them of arrangements in this regard.

Taking on board the comments expressed by members; and the availability of an electronic information resource via the Council's Intranet system to run alongside an office based facility, it was proposed that the paper based Members' Library facility be retained and the provision of a Virtual Electronic Library be developed alongside this facility (option 3 contained within the survey), on the Council's Intranet system.

It was also proposed that the Members' Service Officer:-

- introduce a system for the categorisation of all material held within the office based facility.
- review the current material on display, to update as necessary and provide a magazine rack to allow current publications/periodicals to be displayed, with back copies on file;
- provide all of the Council's co-opted representatives (including those on the Standards Committee) with the necessary instructions and support to enable

them to make use of this facility should they so wish;

- contact all service groups to advise that, as a consequence of the discontinuation of alternative methods of communication with members, all information intended for the Members Library facility, whether in hard or electronic copy, should now firstly be provided to the Members Support Officer in order that he/she may consider its suitability and inclusion within both formats of the library service;
- alert all members on a weekly basis of a summary of all documents/publications added to the library.
- develop the electronic Members' Information section of the Council's Intranet system to provide an electronic archive including, as far as possible, copies of all material held within the office based facility.
- alert all Members on a weekly basis of a summary of all documents/publications added to the electronic library.

The Members Advisory Panel agreed with these proposals at its meeting held on 2 November.

Members noted that the introduction of the E-genda system had allowed agendas, reports and minutes; and other democratic information to be accessed via both the Council's intranet and internet systems, with an electronic update provided to all members when new agendas/minutes were published. It was therefore the intention to no longer produce hardcopies of such documents for the office based library.

RESOLVED that the results of the consultation and proposed next steps be noted and endorsed.

850 Support for Members on Outside Body Organisations

The Committee considered a report relating to proposed guidance to assist Members in their role on outside bodies.

It was explained that at an all Member seminar held on 21 March 2006, Elected Members were provided with information alerting them to the potential risks and liabilities arising from participation in the management of outside bodies and the extent to which this Council was able to provide indemnification.

This followed concerns reported to the Director of Law and Democracy regarding the potential liability of some elected Members acting as members of an outside body organisation that they had been appointed to during the previous Municipal Year.

Consequently, it was recommended by both the Director of Law and Democracy and the Council's Risk Insurance Officer that as a condition of all future appointments by this Council of Elected Members to outside body organisations, that those organisations must firstly advise the Council of the expected role envisaged for the Elected Member on the organisation (ie advisory or executive/decision making) and supply proof of the extent to which

they provided the following insurance cover:-

- public liability
- employee liability
- professional liability
- material loss/damage

Upon receipt of this advice, appointments have been considered following a risk assessment of the information provided by the Democratic Services Unit in consultation with the Council's Risk and Insurance Section.

The Members' Seminar also highlighted the need for general guidance to be provided to elected Members regarding the different types of role they may be expected to undertake as a member of an outside body; the conduct that would be expected of them ; their potential interests and liabilities arising from their outside body role and the necessary safeguards and information that they should be provided with by the organisation, prior to acting on its behalf.

It was explained that a draft Guidance document had therefore been developed by Democratic Services in consultation with the Head of Legal Services and the Council's Risk and Insurance Officer, with due reference to any existing best practice guidance provided by other local authorities.

The views of elected Members had previously been sought on the draft document and a section had been included in the document relating to "Frequently Asked Questions and Answers" that Members should be aware of prior to acting on the organisation's behalf. The document had also been considered by the Members' Advisory Panel, which had agreed its content.

Whilst it was clearly not possible for the Guidance Document to include advice that would cover all possible situations, it was hoped that it would provide Members with a general overview that could be referred to as part of the Members' Handbook and would prompt Members to refer more detailed queries, not covered by the document, to the attention of either the Democratic Services Unit or the Director of Law and Democracy.

A copy of the draft Guidance was provided to the Committee and Members were asked to provide their views.

RESOLVED that the draft guidance document be noted and endorsed.

851 Local Government White Paper - Strong and Prosperous Communities - Standards and Conduct

The Committee considered a report relating to the recent Government White Paper entitled - Strong and Prosperous Communities.

In the preface of the document the Rt.Hon. Ruth Kelly MP, Secretary of State for Communities and Local Government explained that the aim of the White Paper was "to give local people and local communities more influence and power to improve their lives. It was about creating strong, prosperous communities and delivering better public services through a rebalancing of the relationship between central government, local government and local people."

A copy of the Executive Summary from the White Paper was provided for the Committee. The Committee noted that so far as standards and conduct were concerned, the Government had indicated that it “would devolve most aspects of the conduct regime to local authorities with a streamlined Standards Board refocused as a light touch regulator.”

The White Paper indicated that the Government intended introducing legislation at the earliest opportunity to deliver:-

- a more locally-based regime, with local standards committees making initial assessments of misconduct allegations and most investigations and decisions made at local level;
- a revised strategic regulatory role for the Standards Board to provide supervision, support and guidance for local authorities and ensure consistent standards.

Additionally, a clearer, simple and more proportionate code of conduct for local authority members and a new code for employees would be put in place. Changes to the members’ code would include amending the rules on personal and prejudicial interests to remove the current barriers to councillors speaking up for their constituents or for the public bodies on which they have been appointed to serve. So, for example, in future members of a planning or licensing committee would have more opportunities to represent their constituents on planning or licensing issues that affected their wards. Members would be able to speak and vote on such issues unless their interests in the matter were greater than those of most other people in the ward.

RESOLVED that the report be received.

852 Community Calls for Action

Members considered a report the purpose of which was to draw the Committee’s attention to provisions in the White Paper: Strong and Prosperous Communities and in the Police and Justice Act 2006 regarding the Community Calls for Action (“CCfA”) mechanism.

The Government’s ambition, as expressed in the White Paper, was to remove the barriers which got in the way of effective governance and to create the conditions that promoted the strong, accountable and responsive representation and leadership that all Communities needed.

The CCfA was proposed to work as follows:-

- Councillors would, from their correspondence and knowledge of their area and its people, identify issues which were of significant concern to the communities they represented. They may decide that the wider community interest justified a Call for Action on a particular issue;
- Councillors would seek to resolve problems by talking informally to the local authority and service providers. Under CCfAs, the Government would however encourage local authorities to enable their Councillors to do more than this.

When Councillors could not negotiate a satisfactory solution, the Government would like them to be able to deal with relatively straightforward issues themselves. By using, for example, any budgets delegated to them by the local authority; and

-As for crime and disorder matters Councillors would be able to refer issues to their overview and scrutiny committees. This would be particularly appropriate for the more intractable or strategic issues on which Councillors would need to work with colleagues and take a broader view. Committees might choose to make recommendations to the executive and relevant service providers after, if necessary, conducting an investigation of their own. Relevant public bodies would be required to respond to the committee's recommendations. They could respond positively or negatively, but their responses would be publicised.

The White Paper stressed that the CCfA "should not be seen as a charter for making mischief." The Government would introduce legislative safeguards to ensure that Councils and overview and scrutiny committees were not forced to waste time dealing with vexatious complaints, or to act in a way that would prejudice community cohesion.

It was anticipated that the proposed Local Government Bill would be published before Christmas and would hopefully provide a little more flesh on the bones of the proposals set out in the White Paper.

The Committee noted that the provisions in the Police and Justice legislation were at the forefront of the thinking on the CCfA mechanism. Those provisions had been the subject of correspondence between the Association of North East Councils (ANEC) and the Home Office in March of this year. Copies of that correspondence were provided to the Committee.

The Police and Justices Bill had received Royal Assent, including the CCfA provisions. Those provisions would be brought into force by statutory commencement order. The Home Office was also consulting on the intended CCfA mechanism as part of the wider review of the Crime and Disorder Act.

The expectation was that the arrangements would be rolled out in April 2007 and that the CCfA proposals in the White Paper relating to wider local government matters would follow after that and would be based on a similar format to those of the Home Office.

The proposals from the Home Office gave frontline councillors a central role in calling to account the work of agencies throughout the local area. The Police and Justice Act placed councillors under a duty to both consider any matter raised, and to respond saying what action they would take (if any). If he or she did not do so, then the person who had raised the issue could refer it to the local authority executive instead. The executive was then placed under similar duties to consider and respond. Once councillors had considered the issue raised, they could refer the matter to the relevant overview and scrutiny committee. The Act placed community safety issues under the overview and scrutiny remit on a more general basis, not just when referred to them. Proceedings (in the Home Office's view) were only likely to reach the Committee stage in particularly complex matters. Councillors would usually try to resolve the issue through other means first. Overview and scrutiny

committees could co-opt other agencies such as the Police to help consider the matters referred to them. The overview and scrutiny committee had the power to produce a report or recommendations to the relevant “responsible authorities” (the Crime and Disorder Reduction Partnership organisations). They in turn had a duty to consider them and respond.

Once the proposed regulations and guidance had been issued, it was hoped that a much clearer picture would emerge of how the process would actually work in practice and what the duties and responsibilities of those involved (eg the ward councillor) would be.

RESOLVED that

1. the report be noted.

2. a further report (s) be submitted to the Committee and all Members of the Council as the proposed Regulations and guidance regarding the Police and Justice Act CCfA regime are published and the process becomes clearer.

853 Fifth Annual Assembly of Standards Committees - Feedback

The Committee received and considered the following papers in connection with the Fifth Annual Assembly of Standards Committees:-

- The Connection – Conference Round – Up
- Bridging the Gap: towards strategic regulation – Patricia Hughes, Deputy Chair of the Standards Board.
- Standards Committees: A National Snapshot – Key findings.

RESOLVED that the information be noted.

854 Information/Discussion Items

The Committee received and considered the following information:-

- Mayor of London – High Court decision details
- Standards Board Bulletin – Issue 31
- Town and Parish Standards 08

RESOLVED that the information be noted.

855 Standards Committee Forward Plan 2005/2007

The Committee was provided with an updated version of the Committee's Forward Plan for 2005/2007.

RESOLVED that the plan be noted.