

Standards Committee

A meeting of Standards Committee was held on Thursday, 20th September, 2007.

Present: Mr F W Hayes (Chairman), Cllr Paul Baker, Cllr John Fletcher, Cllr Andrew Sherris

Officers: I Jones (RES); S Johnson, D Bond (LD)

Also in attendance: No other persons in attendance

Apologies: Cllr Ian Dalgarno, Cllr Mohammed Javed; Mr T Bowman (Parish Representative); Mrs E Chapman (Independent), Mrs F Robinson (Independent)

S 39/07 **Declarations of Interest**

Mr L W Hedley declared a personal/non-prejudicial interest in the item entitled Training and Development for Parish Councils/Councillors and Clerks, due to being a member of Stillington and Whitton Parish Council.

Councillor John Fletcher declared a personal/non-prejudicial in the item entitled Training and Development for Parish Councils/Councillors and Clerks, due to being a member of Egglecliffe Parish Council.

S 40/07 **Minutes of the meetings held on 27th July 2007 and 16th August 2007 - for signature**

The minutes of the meetings held on 27th July 2007 and 16th August 2007 were signed by the Chairman as a correct record.

S 41/07 **Corporate Governance Progress Report**

Members considered a report that provided an update on the current position on corporate governance across the Council and that provided details of the actions being implemented to further enhance the approach.

It was explained that the Council had for some time embraced corporate governance. Back in 2002 Council agreed that the CIPFA/SOLACE principles of governance should be adopted across the organisation. A self-assessment was undertaken and an action plan established. The Plan was monitored on a quarterly basis by the Standards Committee. It was noted that all but a small number of actions had been implemented, and those which had not had now been superseded.

Members were advised that since the introduction of the CIPFA/SOLACE guidance a number of similar documents had been produced by various agencies on aspects of governance. Officers had been kept abreast of the developments to ensure the Council's approach remained current. A number of additional self-assessments had been undertaken as a result. It was noted that the key documents were:

- Code of Corporate Governance,
- Good Governance Key Line of Enquiry (KLOE),
- Statement on Internal Control,

- Use of resources KLOE,
- Performance management section of Corporate Assessment KLOE,
- Corporate Governance framework.

In order to ensure a consistent approach, the self-assessments had been cross-referenced and an overarching action plan had been developed. Members were presented with a copy of the action plan which included comments to show how each action had been implemented. It was noted that only a relatively small number of actions were included in the Plan as the self-assessment work which had gone on over the last few years had assisted in keeping the approach up to date.

The Chief Internal Auditor noted that the action plan would be monitored by the Council's Corporate Governance Group and reported to the Standards Committee on a quarterly basis.

RESOLVED that the report be noted.

**S
42/07**

Predisposition, Predetermination or Bias, and the Code

Members considered a report that provided details of guidance published by the Standards Board regarding the issues of predisposition, predetermination and bias.

The Monitoring Officer advised that in response to concerns raised about the difficulties posed by the issues of predisposition, predetermination or bias, the Standards Board had obtained advice from Philip Sales QC and, based on that advice, had produced an occasional paper to help clarify the issues.

Members were presented with a copy of the paper.

Members were advised that the key points from the guidance were:-

- it was not a problem if Members were predisposed in favour of, or against a particular matter;
- being predetermined to a particular view on a matter and closed to the merits relating to it, could lead to problems;
- councillors not involved in making a decision were generally free to speak about how they wished a decision to go;
- those making decisions should ask themselves - would a fair-minded and informed observer, having considered the facts, decide there was a real possibility that the Councillors had predetermined the issue or were biased?
- where a councillor was being asked to reconsider a matter in the light of new evidence or representations, it was unlikely to be unlawful for them to participate;
- where a lobby group had commented on a matter, a councillor who was a member of that group would still be able to take part in a decision about it, provided they had not made comments suggesting that they had already made up their minds, and were not willing to consider new evidence or representations at decision making stage.

It was noted that the conclusion from the guidance was that "Councillors were entitled to have and express their own views, as long as they were prepared to

reconsider their position in light of all of the evidence and arguments. They must not give the impression that their mind was closed.”

It was explained that the guidance was of importance to all Members, not just those who sat on the planning and licensing committees, or other quasi judicial bodies such as the Employee Appeals Panel etc. It was also important for Officers who advised or supported such committees and Members generally.

The Monitoring Officer advised that the guidance would be drawn to the attention of all Members, and relevant Officers would be asked whether they considered if it would be helpful to report it to appropriate Committees, for example, Planning.

RESOLVED that:-

1. The report and guidance be noted; and that
2. Details of it be brought to the attention of all Members and relevant Officers.

S
43/07

Members' and Officers' Interests

Members considered a report that provided details of the procedures regarding the reporting and recording of Members' and Officers' interests.

Following the 3rd May Elections, new register of interests details were completed and returned by all Members.

It was explained that subsequent to the adoption of the revised Code of Conduct on 11 July 2007 Members had been informed that there was a new register of interests form which should be completed, signed, dated and returned. A number of reminders had been emailed to Members about this requirement, latterly directly to those Members who had yet to return a completed form. To date 46 Members had returned forms (as well as all co-optees). Ten Members had yet to return completed forms.

As previously reported all Members had been provided with a copy of the new register of interests form (on more than one occasion), together with a copy of the accompanying guidance notes. In addition, all Members had been provided with specific guidance about the revised Code of Conduct and its requirements regarding the registration of interests.

The last audit concerning Members' interests took place in October 2006. The audit found that there was no evidence of all Members reviewing their register of interests details annually. It was recommended that all Members complete an annual form. It was explained that Members were reminded, on a six monthly basis to review and, where necessary, amend their register details. After each year's annual meeting and subsequent first Cabinet meeting, Members were also reminded to review and update their register details, where necessary. The audit also found that the Members' Handbook did not refer to procedures for registering interests. It was recommended that the Handbook be updated to include such information. This had been done but it needed to be amended to reflect the revised Code of Conduct requirements. It was noted that Members were fully aware of those requirements however.

The Monitoring Officer reported that the action plan developed as a result of the Ethical Governance Light Touch Health Check report proposed that consideration be given to the potential for publishing Members' interests details on the Council's website. This had been done and the information was being placed on the internet.

Guidance on Officers' interests was provided in the Employees' Code of Conduct and an extract was presented to Members. Further guidance was also provided in relation to the procedure for submitting Officers' interests' returns. Members were provided with copies of the Officers' interests form and procedure note.

It was noted that an inspection of the Officer interests register was undertaken on 24 August 2007. This revealed that some forms were required from key Officers, who last submitted returns in 2006. The Monitoring Officer advised that this was being addressed with the Officers concerned.

It was reported that the October 2006 audit recommended that the Handbook of Personnel Policies and Procedures should include reference to the reporting and recording of Officers' interests procedure. This appeared not to have occurred and was being taken up with Human Resources.

A June 2007 Audit report recommended that Officers involved in investigating alleged fraud and corruption should be requested to submit interests returns, even if they were nil. Members were advised that the procedure document had been amended to refer to such Officers as key Officers. Returns were also being sought from the Officers involved.

It was also explained that a recent data matching exercise had revealed a number of areas in relation to Members' and Officers' interests which needed to be investigated. This was being done.

RESOLVED that:-

1. The report be noted; and that
2. Regular updates on Members' and Officers' Interests be reported to the Standards Committee.

S
44/07

Members' and Officers' Gifts and Hospitality

The Committee considered a report that provided details of the procedures relating to Members' and Officers' gifts and hospitality and the returns submitted during the first quarter of the year (1 April 2007 - 30 June 2007).

It was noted that revised guidance on gifts and hospitality had been produced for Members. The report to the 27 July Committee meeting referred. The guidance had been drawn to the attention of all Members and would be included in the Constitution and placed on the website.

Members had also been provided with other guidance regarding the requirements of the revised Code of Conduct in relation to the reporting and

recording of gifts and hospitality received. The new Register of Interests form (at paragraph/box 8) asked for details of any person from whom a Member had received a gift or hospitality with an estimated value of at least £25. The note for paragraph/box 8 of the register form explained what was required in more detail. The Committee was provided with a copy of the note.

The Members' Register had been reviewed and the Committee was provided with details of gifts/hospitality received by Members in the first quarter of the year.

The last audit of gifts and hospitality (Officers and Members) took place in October 2006. It was reported that all forms had not been completed within the 28 days timescale specified in the Code of Conduct. It was recommended that Members be reminded of this and that returns should not be retained until there was a batch to return. Members were, and continued to be reminded of the requirements of the Code in this respect. It was also reported that the Members' Handbook did not contain any reference to gifts and hospitality procedures for Members. It was recommended that such procedures were so documented. It was noted that this had been undertaken but that it needed to be reviewed and amendments made to reflect the revised Code of Conduct. Guidance about the procedure had however continued to be provided to Members with the revised Code in mind.

It was explained that the action plan developed as a result of the Ethical Governance Light Touch Health Check report included a proposal to consider the potential for publishing Members' gifts and hospitality details on the Council's website. This had been done and the details would be published along with the Members' register of interests returns. This would include any co-optees' returns.

A review had been undertaken of the Officers' gifts and hospitality procedures and register. As a result, the procedure note had been revised to incorporate reference to Key Officers who, in particular, should be made aware of the requirements to report offers of gifts and hospitality, whether accepted or not.

The Monitoring Officer reported that there were a few instances on the register of Officers not submitting details of gifts/hospitality received within the specified 28 days timescale; one form not signed by the Officer concerned and a few occasions when forms were signed/dated before the specified date of the offer/receipt of the relevant gift/hospitality. These cases had been taken up with the Officers concerned and reminders had been given about submitting details of gifts/hospitality received in the 28 days timescale.

Members were presented with examples of details submitted by Officers during the first quarter of the year.

The Audit undertaken in October 2006 recommended that details should be included in the Handbook of Personnel Policies and Procedures regarding the recording and reporting of gifts and hospitality procedure. Members were advised that this appeared not to have occurred and that this had been taken up with Human Resources. The relevant details had now been incorporated into the Handbook.

RESOLVED that:-

1. The report be noted; and that
2. Regular updates on Members' and Officers' Gifts and Hospitality be reported to the Standards Committee.

**S
45/07** **General Guidance on the Revised Code of Conduct for Members**

Consideration was given to a report that provided the Committee with a revised version of the general code of conduct guidance included in the Council's Constitution (Part 8, Essential Supporting Documents).

General guidance was provided on the Council's previous code of conduct for Members and this was included in the Council's Constitution at Part 8, Essential Supporting Documents.

It was explained that as a result of the adoption and introduction of the revised Code of Conduct on 11 July, the general guidance required updating to reflect the revised Code provisions.

The Committee was presented with a copy of the amended guidance, with the changes highlighted.

RESOLVED that:-

1. The report and guidance be noted; and that
2. Details of it be brought to the attention of all Members.

**S
46/07** **Ethical Governance Light Touch Health Check - Standards and Probity Information**

Committee Members considered a report that provided details of progress in relation to one specific element of the Light Touch Health Check report action plan regarding standards and probity information.

The action plan developed as a response to the outcomes of, and feedback from the ethical governance health check report facilitated by the IDeA, included areas for improvement and key actions under (inter alia) Communication.

It was reported that the health check report recommended that standards and ethics information on the intranet and website be improved. The resulting action plan provided that such information be reviewed and that the internet and intranet be populated with new standards and probity information.

The Committee was advised that a review had been undertaken and that the website was now being populated with new information. Details of what had been included and/or was proposed to be included was presented to the Committee. The information on the intranet had also been reviewed. The links to information in the Constitution would be updated. There would also be a link from the intranet to the internet/website standards and probity documentation.

Town/Parish Clerks would be asked if they or their Councils considered that any other information could be included on the website, whether parish specific or otherwise.

RESOLVED that the report and details of progress against the Light Touch Health Check action plan be agreed and that Committee Members advise the Monitoring Officer of any additional information which they considered could be usefully be included on the website.

S 47/07 Confidential Reporting Policy

Consideration was given to a report that provided an update on progress following on from the report to the Committee at its meeting on 24 August 2006.

The Confidential Reporting Policy was last considered by the Committee at that meeting. A copy of the report for the meeting was provided for Members.

It was explained that the current policy, a copy of which was presented to the Committee, was available on the intranet as a stand alone document and was contained in the electronic version of the Handbook of Personnel Policies and Procedures and referred to in the Members' Handbook. It was also being included in the new Standards and Probity section of the Council's website.

As could be seen from the policy document, it included reference to the increased number of Nominated Officers, including more female Officers and to the fact that the document could, on request, be provided in other languages, larger type and in Braille.

It was noted that a letter and a copy of the Policy was also sent to all existing contractors on the Council's Contracts Register. The Authority's invitations to tender form also included the requirement to adopt the Policy.

Members were advised that examples of cases dealt with successfully as a result of the policy were publicised in September last year via a message of the day, and in a KYIT item in January this year. That item also publicised the details of the existing Nominated Officers; specified where the policy could be accessed and gave direct contact numbers for Internal Audit and Housing Benefits.

The Chief Internal Auditor had produced and publicised an updated guide for the public on responding to Fraud and Corruption which included advice on confidential reporting.

It was explained that the Confidential Reporting Policy and details of where it could be accessed had also been targeted at those service areas where individuals said, when replying to the employee survey, that they had not heard of the Policy or did not know where to get hold of it, or see it.

It was reported that as a result of an audit of the Council's corporate anti-fraud management arrangements in June 2007 the confidential reporting posters had been updated and recirculated for display.

In addition, the audit made recommendations designed to tighten up the

investigation, recording and reporting processes which flowed from the application of the Confidential Reporting Policy. As a result the Chief Internal Auditor had confirmed that Internal Audit would keep a more detailed Investigations Register; would maintain records confirming that informants had been notified of pending investigations within the 14 day target, and that they had been kept updated as to progress and outcomes; that Heads of Services and Service Representatives would be appraised of the outcome of investigations; and that following completion of any significant investigation he would undertake to report the matter to the Corporate Governance Working Group for discussion.

It was noted that as regards the latter proposal, as the Monitoring Officer was a member of the Corporate Governance Working Group, it would enable reports on such matters to be subsequently reported to the Standards Committee.

RESOLVED that the report be noted.

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48/07 **Training and Development for Parish Councils/Councillors and Clerks**

The Committee considered a report that provided details of training and development for Parish Councils/Councillors and Clerks which had either been delivered or was proposed.

It was reported that prior to the introduction of the new Model Code of Conduct Order and before its adoption by individual Councils, a range of advice and guidance was provided, on a regular basis, to all Town/Parish Clerks, who were asked to ensure that the information was brought to the attention of their Councils/Councillors. The minutes of Council meetings indicated that the information was being passed on to Councillors at those meetings.

The Monitoring Officer had had one to one meetings regarding the revised Code of Conduct, the main changes from the previous Code and the implications for Parish Councils with a number of Clerks, and had also attended formal meetings of a majority of Parish Councils. Subsequently, all Clerks had been provided with guidance about the key adoption/post adoption issues for their Councils.

It was noted that specific guidance, with copy forms, regarding the requirement for Councillors to complete fresh register of interests forms, had been emailed to all Parish Clerks, with a view to each Council compiling a complete register of interest returns.

The Monitoring Officer reported that an externally facilitated day time training event on the revised Code had been scheduled for 25 October. Presently, because this was being promoted jointly with Middlesbrough and Redcar and Cleveland Borough Councils, the event was only open to the Principal Councils. It did however include Stockton's co-optees, including all Standards Committee members, parish representatives included. It was intended to arrange an evening event just for Stockton Members and this would probably be able to be made accessible to Town/Parish Councils in Stockton's administrative area.

It was explained that further advice and guidance regarding the Code would continue to be provided to Stockton's Members and copied to Town/Parish

Clerks for circulation to their Councils and Councillors. Members were provided with a few recent examples of this.

The Monitoring Officer advised that the induction training provided this year post 3rd May elections was made available to and attended by some Town/Parish Councillors. Similarly, the externally facilitated planning training course delivered following the elections for Borough Councillors involved in planning, was made available to and attended by Town/Parish Councillors.

As part of the delivery of the Council's Learning and Development Strategy, it was intended that one to one personal support sessions would be provided for the Standards Committee's (and other Council) co-optees, including the parish representatives, in order to identify any training, development need or support which may be required to carry out their roles effectively.

Members were advised that the proposed attendance by Standards Committee Members (particularly the Parish representatives) at Borough Council meetings would provide a development opportunity for those Members; and the attendance at Town/Parish Council meetings would provide a two way development opportunity for Town/Parish Council Clerks/Councillors and Standards Committee Members.

The report had been drawn to the attention of Town/Parish Clerks and they would again be asked if they or their Councils considered that any other advice or guidance could helpfully be provided.

RESOLVED that the report be noted.

S
49/07

Information/Discussion Items

The Committee received and considered the following information:-

1. Standards Board for England - Press Release - Member Conduct Decisions
2. ICO - Guidance regarding MPs/Councillors correspondence relating to Constituents and about disclosure of information about business people
3. Weightmans - Guidance on Hearings and Investigations
4. The Standards Board Bulletin 35

RESOLVED that:-

1. The information be noted.
2. The information regarding the disclosure of correspondence relating to constituents be filtered into future Elected Member training sessions.

S
50/07

Standards Committee Forward Plan 2006/2008

The Committee was provided with the Forward Plan for 2006/2008.

RESOLVED that the plan be noted.