

STANDARDS COMMITTEE

22 September 2003

CODE OF CONDUCT – COMPLIANCE WITH PROCEDURES AND RELATED ISSUES

REPORT OF CITY SECRETARY AND SOLICITOR

Contact Officer: Chris Ashcroft Tel No: 01962 848284

RECENT REFERENCES:

ST26 – Model Code of Conduct – Compliance with Procedures and Update on Training – 11 November 2002

EXECUTIVE SUMMARY:

This report provides an update on compliance issues, including complaints, attendance levels at recent training courses and the current position regarding returns of Register of Interest Forms from City and Parish Councillors. It also contains recommendations about future probity training.

RECOMMENDATIONS:

- 1 That compliance with the Code and the training undertaken to date be noted.
- 2 That two Code of Conduct training evenings continue to be held each year, one for City Councillors and one for Parish Councillors/Clerks.
- 3 That the Independent Members be requested to undertake further evaluation of committee meetings to ascertain the level of compliance with the Code of Conduct.
- 4 That the proposals for raising staff awareness be endorsed.
- 5 That the Committee considers whether there is any other form of monitoring of the Council's ethical framework which it would wish to see undertaken.

STANDARDS COMMITTEE

22 September 2003

CODE OF CONDUCT – COMPLIANCE WITH PROCEDURES AND RELATED ISSUES

REPORT OF CITY SECRETARY AND SOLICITOR

DETAIL:

1 Introduction

1.1 When the last update report was considered on 11 November 2003, the Committee resolved as follows:-

- “1. That the current position with regard to Code of Conduct training and compliance with the Code be noted.
2. That, for the 2003/04 Municipal Year, one training session for Parish Councils be held (hopefully during June).
3. That all Parish Councillors be encouraged to submit Register of Interest forms annually, regardless of whether changes had occurred or not.
4. That the Independent Members be thanked for their work in attending other committee meetings and evaluating how the proceedings complied with the Code of Conduct.
5. That the Committee considers a verbal report from the Independent Members on their interim findings, pending consideration of a written report at a future meeting.”

2 Update - City Council

2.1 The 20 City Councillors elected on 1 May 2003 (8 being newly elected and 12 re-elected) all signed their Declaration of Acceptance of Office at the Informal Council meeting held on 13 May 2003, agreeing to be bound by the Code. All 57 Councillors completed and returned their Register of Interest forms by the due date, and a few have been amended since then to take account of new interests.

2.2 The Committee is reminded that the regulations only require Councillors to complete a Register form on election and if there are changes to interests during the term of office. However, the Council requires all Members to complete new forms each May regardless of any changes, which is a system promoted as good practice by the District Auditor.

2.3 During the first half of 2003 there have been two requests from the public to inspect the Register of Members Interests, both in relation to Parish Councils.

2.4 A Probity and Ethics training evening for City Councillors, covering the Code of Conduct and local protocols, was held on 11 June 2003. In total, 18 people attended

- 6 Councillors new to the Authority, 9 existing Councillors, two TACT representatives and one Independent Member from this Committee. The feedback forms achieved an average of 4 (Good) in a range of 1-5 for the course content and presentation.
- 2.5 On 12 June 2003, a course was held regarding Material Considerations in Planning, which was attended by 22 Councillors (including 11 out of a possible 16 from the Development Control Committee). Some absent Councillors did point out that they had attended the same course 12 months earlier and the statutory guidance had not changed in that time. Again, the course content scored an average of 4 (Good) from the feedback forms.
- 2.6 The Committee will also wish to note that a Planning Probity training course was held on 18 March 2003 at which 27 Members attended, including 11 of the 14 who then made up the Planning Development Control Committee. The feedback forms averaged 4 (Good).
- 2.7 Planning is perhaps the Council's highest profile function, with significant public involvement and attendance levels at the Planning Development Control Committee. Therefore, training is particularly important in this area and recently the Authority has received a 'Planning Delivery Grant' from the Government, part of which can be used for such purposes and further training will be arranged in 2003/04. The Government also periodically issues guidance suggesting the core areas in which Planning Committee members should be trained and due regard is had to this guidance when the Council plans its annual programme.
- 2.8 A final point is that the City Secretary and Solicitor has been increasingly called upon to advise individual Councillors about possible declarations of interest, after they had applied the relevant tests in accordance with the Code and decided to seek clarification. The growing practice of Members seeking such advice before the meeting has been welcomed.

3 Update – Parish Councils

- 3.1 All 43 Parish Councils have adopted the Code of Conduct.
- 3.2 Of the 19 Parishes which were due for election in 2003, only one resulted in a contest, with the remainder having either exactly the required number of candidates, or less than that number but with vacancies later filled through co-option. There are currently eight parish councils who have one or more vacancies and the City Council recently issued a press release encouraging local people to put themselves forward as potential parish councillors.
- 3.3 The Committee will recall that when the Code of Conduct was introduced, a few parish councillors resigned (or did not seek re-election), principally because they viewed the need to complete the Register of Interest form as far too onerous, having regard to the relatively limited powers of parish councils. This reason does not seem to be a particular cause of the current shortage, according to local feedback, and in any year there are usually some parish councils who struggle to maintain full membership.

- 3.4 As requested by the Committee, all parishes were invited to follow the good practice of returning new Register of Interest forms regardless of elections and/or whether any changes in interests had occurred. This suggestion was adopted by only four parish councils out of the 24 who did not have elections. Some parishes which had uncontested elections had to be reminded that new Register forms were required by law when a new term of office was commenced, even though an election had not been held.
- 3.5 To date, we are awaiting new Register forms from parish councillors in five parishes which had uncontested elections. All have undertaken to supply these as soon as possible, but holidays and the timing of meetings has delayed returns. Generally, the vast majority of forms have been returned in good time and the standard of completion has improved, as parishes become more familiar with the regulations.
- 3.6 On 24 July 2003, a Code of Conduct training evening was held for Parish Councillors and Clerks. The evening was principally intended for those becoming a Councillor or Clerk within the past year. A total of 13 people attended and the feedback forms averaged 4 (Good).
- 3.7 As with City Councillors, the City Secretary and Solicitor has become increasingly involved in providing advice to parish clerks regarding declarations of interest and other probity issues. It should, however, be acknowledged that parish clerks generally have performed excellent work in trying to ensure that their parish councillors complete Register of Interest forms and declare interests when appropriate.
- 4 Monitoring of Committee Proceedings by Independent Members
- 4.1 These visits were introduced last year and meetings of Cabinet, Planning Development Control Committee and Licensing & Regulation Committee were monitored.
- 4.2 The feedback proved very useful and highlighted areas for improvement which have since been addressed. The Committee is requested to consider whether it wishes similar visits to be carried out in this Municipal Year, possibly during January and February 2004, as the findings would be timely in terms of incorporating any subsequent action into the Member induction process for 2004/05.
- 5 Referrals to the Standards Board
- 5.1 Since the matters mentioned in the last report in November 2002, there have been no referrals to the Standards Board affecting either the City Council or any parish council in the District.
- 5.2 However, Members will recall that one matter was determined locally at the meeting on 20 January 2003 and the details are contained in the minutes circulated with this agenda.
- 6 Future Role of the Monitoring Officer and the Committee
- 6.1 The regulations on these matters has now been received and a report is elsewhere on this agenda (Report ST33 refers).

7 Future Training - Standards Committee Members

7.1 A course will be held in London on 28 October 2003 intended for Councillors and Independent Members who serve on Standards Committees. The course content is attached as Appendix A.

7.2 If any Member wishes to attend, they should inform the City Secretary and Solicitor accordingly. It is suggested that two representatives from the Committee would be an appropriate number.

8 Future Training – City Councillors

8.1 It is suggested that one Code of Conduct training session continue to be held annually, at the start of the Municipal Year, for both new Councillors and those who need a refresher.

8.2 In addition, the Planning Material Considerations training should continue annually, with particular emphasis placed on attendance by all those serving on Planning Development Control Committee. Other planning training will be provided in accordance with the Government's guidelines as mentioned in para 2.7 above.

9 Future Training – Parish Councillors and Clerks

9.1 As in 8.1 above, it is suggested that one Code of Conduct training session continue to be held annually, principally for new Parish Councillors and Clerks.

10 Staff Awareness

10.1 An important element of the ethical framework is to ensure that Council staff have a relevant, working awareness of both the Code and local protocols.

10.2 Training on specific topics has been provided to the Management Forum (which consists of the Council's senior managers) and wider training has taken place during 2003 on 'Whistleblowing'. However, it is recognised that further training is required. Therefore, discussions have taken place with the Director of Personnel, with a view to reinforcing the Code and Protocols element in the Council's annual training programme and the following approach has been agreed:-

- induction courses for new staff will have more time devoted to probity issues.
- middle managers will be invited to attend periodic 'short bite' sessions which focus on particular protocols.
- a staff awareness survey will be undertaken to identify those areas where understanding and practice of the ethical framework may need to be improved.

11 Conclusion

11.1 The general awareness and understanding of the new ethical framework has continued to increase, as both City and Parish Councillors/Clerks gain a better appreciation of the revised guidance, through training and experience.

- 11.2 The District was fortunate in that, prior to the introduction of the new framework, there was already a culture of compliance with the best practice of the time. Therefore, responding to the new measures has been relatively smooth, notwithstanding the concerns at parish level (see para 3.3 above) when the Code of Conduct was first applied to the third tier of local government.
- 11.3 However, there is certainly no room for complacency, and there is always more that can be done to increase awareness and ensure that the highest probity standards are being applied in all aspects of the Council's work. The above programme for the forthcoming year is a realistic approach to maintaining and increasing those standards, having regard to the resources available. The Committee is invited to endorse that programme, subject to any additional work which it considers should be undertaken.

OTHER CONSIDERATIONS:

12 CORPORATE STRATEGY (RELEVANCE TO):

- 12.1 The Council to be more open and democratic in its work

13 RESOURCE IMPLICATIONS:

- 13.1 There would be an increase in costs should more training sessions be held but, provided that the increase in the number of courses was not excessive, existing budgetary provision for training purposes should be adequate.

BACKGROUND DOCUMENTS:

None

APPENDICES:

Appendix 1 – Programme for Training Course for Members of Standards Committees

APPENDIX 1

COMMITTEE TRAINING FOR
MEMBERS ON STANDARDS COMMITTEES

28 October 2003

10.00am – 4.00pm

Venue: ETC Venues, Avonmouth House, 6 Avonmouth Street, London SE1.

- An overview of the new system
- The roles of the Standards Board, Standards Committees and the Monitoring Officer
- The roles of the Standards Committee in prevention and training
- The position of Parish Councils
- Local Codes of Conduct for members
- Practical problems with the Code
- FAQ's on the Model Code
- Receipt of complaints by local authorities
- Investigating and reporting allegations
- Self-Regulatory powers of local authorities
- Reporting to the Standards Board
- Allegations referred to Monitoring Officers and Standards Committees
- Investigation and reporting to Standards Committees
- Practical procedures for Standards Committees
- Confidentiality issues and the Human Rights Act
- Sanctions
- Practical examples on the Codes of Conduct
- Parallel constraints on member conduct and overlapping jurisdictions
- Practical problem solving and discussion