

STANDARDS COMMITTEE

21 November 2005

CODE OF CONDUCT AND RELATED ISSUES - REVIEW

REPORT OF CITY SECRETARY AND SOLICITOR

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This report provides an update on a range of issues related to the work of this Committee, including complaints, attendance levels at recent training courses, monitoring work for the Independent Members/Parish Representatives and a draft future work programme.

RECOMMENDATIONS:

- 1 That two Code of Conduct training evenings continue to be held each year, one for City Councillors and one for Parish Councillors/Clerks.
- 2 That the Independent Members and Parish Representatives be requested to undertake further evaluation of committee meetings to ascertain the level of compliance with the Code of Conduct and other guidance.
- 3 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.
- 4 That the Committee considers whether or not Register of Interest Forms should be published on the Council's website.
- 5 That the draft Future Work Programme be approved.

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REPORT OF CITY SECRETARY AND SOLICITOR

DETAIL:

1 Introduction

1.1 The purpose of this report is to provide an update on a range of issues related to the work of this Committee, including complaints, attendance levels at recent training courses and proposed future monitoring work for the Independent Members and Parish Representatives. Members are also requested to consider the Future Work Programme.

2 Update - City Council

2.1 There were no scheduled City Council elections in May 2005, but due to resignations, two District by-elections were contested at that time and one further by-election in September 2005. The three new Members all signed their Declaration of Acceptance of Office at the appropriate time, agreeing to be bound by the Code.

2.2 There were 52 Councillors who completed and returned their Register of Interest forms by the due date – the remaining five needed reminders, but have since made the required submissions. A few Members have also amended their entries to take account of new interests which have arisen since completion of the original form.

2.3 The Committee is reminded that the regulations only require Members to complete a Register form when elected, plus any changes to interests during their four year term of office. However, the Council requires each Member to complete a fresh form each May, whether changes have occurred or not, which is a system promoted as good practice by the District Auditor.

2.4 Since May 2005, there have been no requests from the public to inspect the Register of Members Interests, either in respect of District or Parish Councillors.

2.5 A question has been raised regarding publication of the completed Register of Interests forms on the Council's website. Some research has been undertaken into this possibility and it was interesting to note that the practice was not widespread - for example no authorities in Hampshire do this at present. One Council elsewhere which did publish the forms did not extend this practice to returns from Parish Councillors. This was because of the resistance experienced when completion of a Register of Interests form was extended to parishes and an undertaking given at that time that the information would not be made available electronically.

2.6 There are some data protection issues involved in publication. Although the information is by law available in a public register for inspection at the council offices, there is no requirement for it to be published on a website. The information is personal data and has to be treated with care. For this reason, if a policy to publish

on the website was considered, it is suggested that the individual concerned should be able to give or withhold consent.

- 2.7 Most authorities locally do not publish register entries at present. Even if the practice were adopted for the City Council, it is suggested that it should not be extended to parish councillors. There were concerns at parish level when the registers were introduced, but the system is now being complied with. Web publication is likely to raise new worries amongst parish councillors.
- 2.8 On balance, it is considered that information on the web about the ability to inspect registers at the offices, or by contacting the parish clerk at local level, is sufficient.
- 2.9 A Probity and Ethics training evening for City Councillors, covering the Code of Conduct and local protocols, was held on 13 June 2005. In total, 11 people attended – 1 Councillor new to the Authority, 4 existing Councillors, plus 3 Independent Members and 3 Parish Representatives from this Committee. The feedback forms achieved an average of 4 (Good) in a range of 1-5 for the course content and presentation.
- 2.10 On 13 September 2005, a course was held regarding Material Considerations in Planning, which was attended by 16 Councillors (including 8 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.
- 2.11 The Committee will also wish to note that the Council has recently undertaken a review of planning procedures with a view, inter alia, to improving its turnaround time in dealing with applications. Whilst the Planning Improvement Plan (as the result of the exercise has been entitled) has still to be formally adopted, there is likely to be a need to review probity guidance for the future in the light of possible changes. Therefore, it is proposed that consideration by this Committee of amendments to the Planning Protocol, await recommendations on the relevant issues by the Planning Development Control Committee.
- 2.12 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 There were no scheduled Parish Council elections in 2005. Vacancies which have occurred have all been dealt with by co-option and the respective Clerks have been mostly diligent in keeping the City Council informed, together with supplying copies of Register of Interest Forms at the appropriate time. There are currently four parish councils who have one or more vacancies.

3.3 On 15 September 2005, a Code of Conduct training evening was held for Parish Councillors and Clerks in Bishops Waltham. The evening was principally intended for those becoming a Councillor or Clerk within the past year. Despite advance publicity and an indication that at least 15 people would attend (which is about the usual number), only five turned up on the night, which was disappointing. Subsequent ad hoc discussions with some parishes about the low attendance has not revealed any particular problems in terms of advance notice, day of the week, venue, time chosen etc. - so it would appear that, apart from the lack of elections which can generate more attendees, there was no particular reason why numbers were so low.

3.4 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 good 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 This process was introduced in 2002 and meetings of Cabinet, Principal Scrutiny Committee, Planning Development Control Committee and Licensing & Regulation Committee have been monitored in the past, being those that generate the highest levels of public interest.

4.2 For the benefit of members new to the Committee, the monitoring process involved two of the Independent Members/Parish Representatives (in various combinations) attending selected committee meetings as members of the public. They were not 'mystery shoppers' as this Committee decided that everyone at the meeting to be monitored should be aware of their attendance and their role, which was to observe proceedings from the public viewpoint and make comments regarding the observance by Members of the Code of Conduct and other protocols. The exercise also provided a useful opportunity for comment on a number of general 'housekeeping' issues such as meeting facilities, signage and acoustics.

4.3 The feedback proved very useful and highlighted areas for improvement, many of 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 2006, as the findings would be timely in terms of incorporating any subsequent action into the Member induction process for 2006/07.

4.4 A copy of the questionnaire previously used is attached as Appendix A to this report and, if the above is agreed, comments about the questions asked and possible changes would be welcomed.

5 Referrals to the Standards Board 2005/06

5.1 Members are reminded that decisions on cases involving a breach of the Code may be found on the website of the Standards Board for England. Individuals are named where a breach has been established, otherwise that information is not published. The same practice has been followed in the summary of local cases below (ESO = Ethical Standards Officer) :-

5.2 Parish Councils

- (a) ESO Finding – Breach but no need for further action.

Seven referrals involving three individuals about the same incident at Whiteley Parish Council. The details can be found in Appendix 8 to Report ST 45 to the Standards Sub Committee held on 8 November 2005.

- (b) ESO Finding – Refer to local Standards Committee

Two referrals about one individual which resulted in a Standards Sub Committee decision of Censure. Same incident as (a) above and details can be found in the appendix to the minutes of the Sub Committee meeting held on 8 November 2005.

- (d) ESO Finding – Not be investigated

Two referrals involving two individuals about one incident.

5.3 City Council

- (a) ESO Finding – Not be investigated

Two referrals involving two individuals about one incident.

The City Council has not been notified of any other outstanding cases

6 Future Training - Standards Committee Members

- 6.1 As Members will be aware, on those occasions when there has been insufficient business to justify a full Committee meeting, the opportunity has been taken to use the evening for training purposes – most recently the Sub Committee Hearings training on 19 September 2005. The course content scored an average of 4 (Good) from the feedback forms.
- 6.2 With Members agreement this approach will be continued, either as a full evening, or an update session at the end of a light agenda.

7 Future Training – City Councillors

- 7.1 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.
- 7.2 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.
- 7.3 Finally, a Planning Protocol training session will be required once the revisions referred to in para 2.11 above have been agreed.

8 Future Training – Parish Councillors and Clerks

- 8.1 As indicated in para. 3.3 above, there appears no particular reason why the attendance at the 2005 session was low, so it is suggested that one Code of Conduct training session continue to be held annually, principally for new Parish Councillors and Clerks.

9 Future Training - Staff

- 9.1 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.

- 10.1 Training on specific topics has been provided in the past to senior managers, but it is recognised that further training is required. Therefore, discussions have taken place with the Director of Human Resources, 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.

10 Future Work Programme

- 10.1 It is suggested that the Committee should consider reports on the following issues during the next 12 months:-

- Planning Protocol
- Report back on Monitoring by Independent Members/Parish Representatives
- Results of national review of Code of Conduct
- Licensing Protocol – Update following experience of introduction of Licensing Act 2005
- Anti-Fraud and Corruption Policy (including 'Whistleblowing') - Update

11 Conclusion

- 11.1 The general awareness and understanding of the 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 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 work programme 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:

CORPORATE STRATEGY (RELEVANCE TO):

The Council to communicate openly and honestly.

RESOURCE IMPLICATIONS:

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 – Draft Questionnaire for Monitoring Exercise



STANDARDS COMMITTEE - QUESTIONNAIRE FOR MONITORING MEETINGS

(Please circle the best description)

1. How clear was the signage at the Guildhall to indicate where and when the meeting would be held?

Excellent / Good / Average / Poor / Very Poor

Further Comments.....
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2. To what extent was it clear who the Councillors, the officers and (if appropriate) the applicants were?

Completely / Quite well / Partly / Not at all

Further comments.....
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3. How good were the facilities in the meeting room? (eg seating and, if appropriate, monitors, projector screens etc)

Excellent / Good / Average / Poor / Very Poor

Further comments.....
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4. Were copies of the agenda and procedure leaflets available on the public seating?

Yes / No

Further comments.....
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5. How clearly was the opportunity for public participation announced at the beginning of the meeting?

Completely / Quite well / Partly / Not at all

Further comments.....
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6. To what extent did the agenda sheet and leaflet clearly explain the process of public participation?

Completely / Quite well / Partly / Not at all

Further comments.....
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7. Were you asked directly by the Committee Administrator or the Chairman if you wanted to speak during public participation?

Yes / No

Further comments.....
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8. If others did speak, to what extent were their concerns answered fairly?

Completely / Quite well / Partly / Not at all

Further comments.....
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9. How well could both the public speakers and the Councillors be heard?

Completely / Quite well / Partly / Not at all

Further comments.....
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10. Councillors who are not members of the Committee can sometimes contribute to the debate, including Portfolio Holders, Ward Members and the Leader. If applicable, how well was this fact communicated to the public?

Completely / Quite well / Partly / Not at all

Further comments.....
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11. Following on from question 10 above, and specifically relating to the Planning Committee, to what extent was the Planning Protocol followed (eg: Members of the Committee not voting but choosing to speak as a Ward Member to advocate a particular view)?

Completely / Quite well / Partly / Not at all

Further comments.....
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12. If any Councillors declared an interest, how well was it made clear what the actual interest was (i.e. personal or personal and prejudicial and a brief mention of the circumstances)?

Completely / Quite well / Partly / Not at all

Further comments.....
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13. Did any Member leave the room after declaring an interest of either type?

Yes / No

Further comments.....
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14. When items were debated, how well did the Chairman achieve a fair and balanced discussion?

Completely / Quite well / Partly / Not at all

Further comments.....
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15. How well did the Chairman summarise the debate prior to a decision being made?

Completely / Quite well / Partly / Not at all

Further comments.....
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16. How clearly did you understand the actual decision reached by the meeting on each item?

Completely / Quite well / Partly / Not at all

Further comments.....
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17. Overall, to what extent was the debate and decision easy to follow for the lay person?

Completely / Quite well / Partly / Not at all

Further comments.....
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OTHER COMMENTS:

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