

STANDARDS COMMITTEE

5 April 2005

REVIEW OF YEAR AND FUTURE WORK PROGRAMME

REPORT OF CITY SECRETARY AND SOLICITOR

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RECENT REFERENCES:

ST46 – Code of Conduct and Related Issues – Review – 21 November 2005

EXECUTIVE SUMMARY:

The report considers the comments in the Annual Audit and Inspection letter insofar as it affects Standards issues.

It also summarises the number of complaints received by the Standards Board in 2005/06.

Issues in the work programme for 2006/07 are outlined.

RECOMMENDATIONS:

That the Committee considers whether there are any issues where further action needs to be taken, in addition to that outlined in the report.

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DETAIL:

- 1 The Audit and Inspection letter for 2004/05 was considered in detail by Principal Scrutiny Committee at its meeting on 27 March 2006. (Report PS226 refers).
- 1.1 Aspects of the letter which affect this Committee are the references to the Use of Resources Assessment, which includes the Council's financial management systems and corporate governance arrangements. The scoring matrix is as follows:
 - 1 – Below minimum requirements
 - 2 - Only at minimum requirements – adequate performance
 - 3 - Consistently above minimum requirements – progressing well
 - 4 - Consistently above minimum requirements – performing strongly

The report was set against a harder set of requirements than in the previous year which were only published in October 2005.
- 1.2 The Audit letter stated “The Council’s Use of Resources has been assessed overall as “2” (only at minimum requirements – adequate performance) although there are many elements that perform consistently above minimum requirement and therefore the Council is well placed to improve its score next year.” The report also stated “ However, a score of 4 will require a significant investment in some areas and the Council will need to consider whether this is a cost effective use of resources.”
- 1.3 The section that is relevant to this Committee is section (c) on probity and propriety in the conduct of its business. The score for this element was 2.
- 1.4 The relevant page of the Audit letter is attached as Appendix 1. The criteria against which the assessment was undertaken are set out in Appendix 2.
- 1.5 Appendix 1 says “In terms of the arrangements that have been developed to ensure appropriate standards of conduct, the Council has all the mandatory codes in place, together with a Standards Committee. However, including periodic self assessments, including assessing the training provided, would strengthen the overall arrangements.” The report suggested that the following should be considered to improve the probity score “Introduce a more proactive assessment of the adequacy of the Council’s arrangements to ensure probity and propriety in the conduct of business, for example, by performing a self assessment of the arrangements periodically. Carry out a formal risk assessment to drive anti-fraud activities”.

- 1.6 The Council does have some of these procedures in place. For example, the Council's own local protocols are reviewed from time to time – as set out in next year's work programme outlined in section 3 below. The Independent and Parish Members of the Standards Committee undertake a regular assessment of how the District Councillors consider probity issues at their meetings – see Report ST 51 elsewhere on this agenda. Similar reviews were undertaken in November 2002 and May 2004. Reports on training undertaken, considering the feedback scores, are considered from time to time e.g. Report ST 46 at the meeting on 21 November 2005. The report also considered the future training programme for next year and the Committee issued guidance to Members on training to be attended. It also outlined the number of Standards Board cases for the year to date. The types of cases received are also reviewed by the Standards Committee in its training sessions.
- 1.7 From time to time both internal and external audit assess whether the Council's registers are being used effectively. No adverse comments have been received. The Monitoring Officer also reviews the entries from time to time, and declarations that are made in the City Council's minutes, to see whether there are any issues which need to be addressed.
- 1.8 In terms of potential addition activity one area for possible consideration was bringing in an outside body such as the IDEA to undertake an assessment of the effectiveness of the Council's arrangements for both members and staff. This was considered by the Committee at its meeting on 21 November but was not pursued on cost grounds.
- 1.9 However, the Council's internal Audit Plan for 2006/07 now provides for 20 days of audit time for the facilitation of a self assessment exercise to review the Council's governance arrangements, which should contribute to addressing the issues raised in the external audit letter. In addition the completion of the review of the Anti-fraud and Corruption Policy will include a formal risk assessment to drive anti-fraud activities.

2 Referrals to the Standards Board 2005/06

- 2.1 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). The information given is as at 28 March 2006.

2.2 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.

2.3 City Council

- (a) ESO Finding – Not be investigated

Two referrals involving two individuals about one incident.

- (b) ESO Finding – Refer for local investigation

One referral about one individual, under current consideration.

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

3 Future Work Programme - Training

- 3.1 Approved training for City Councillors already includes two sessions –

- (a) Model Code of Conduct and local protocols

- (b) Planning – Material Considerations and the Planning Protocol.

- 3.2 In addition, training will also be provided for the Standards Committee on procedures.

- 3.3 A general training evening will also be held for parish councils.

- 3.4 If the Government's proposals for changes to the Model Code are introduced later in the year, then appropriate training on the changes will also be put in place.

4 Future Work Programme – Standards Committee Business

- 4.1 The Business Plan for 2006/07 includes the following:

- (a) Changes to the Model Code for the District and parishes – to implement by Government target dates, yet to be set.

- (b) Review of Planning Protocol.

- (c) Review of Licensing Protocol.

- 4.2 The Finance Directorate will also lead on:

- (a) Completing the review of the Anti-Fraud and Corruption Policy through other Council committees, to take account of the points made by this Committee and

- (b) A review of the ICT Security and Conduct Policy.

OTHER CONSIDERATIONS:

5 CORPORATE STRATEGY (RELEVANCE TO):

5.1 Relevant to the corporate value of providing the highest standards of service.

6 RESOURCE IMPLICATIONS:

6.1 In view of the likelihood of additional referrals for local investigation/determination, due to a change in Standards Board policy, the budget will have to be carefully monitored in 2006/07 to see if there is a need for consultancy support. This may be the case if existing staff have a potential conflict of interest through earlier involvement in the case in question. It could also arise if the volume of work referred is significant.

BACKGROUND DOCUMENTS:

City Secretary and Solicitor's file (less exempt items).

APPENDICES:

Appendix 1 – Extract from Audit and Inspection Letter – Internal Control

Appendix 2 – Audit Commission Scoring Checklist – Internal Control