

STANDARDS COMMITTEE

15 September 2008

REVIEW OF YEAR AND FUTURE WORK PROGRAMME

REPORT OF CORPORATE DIRECTOR (GOVERNANCE)

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This 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 in 2007/08 and for 2008/09 up to 1 September 2008.

Issues in the work programme for 2008/09 are also 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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### REVIEW OF YEAR AND FUTURE WORK PROGRAMME

#### REPORT OF CORPORATE DIRECTOR (GOVERNANCE)

##### DETAIL:

##### 1 Use of Resources Assessment

1.1 The Audit and Inspection letter for 2006/07 was considered in detail by Principal Scrutiny Committee at its meeting on 31 March 2008. (Report PS327 refers). It was also considered by Cabinet on 21 April 2008.

1.2 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 – lowest

4 – Highest

1.3 The Council's Use of Resources was assessed overall as "3" for the second year in succession.

1.4 The Audit Letter did not draw attention to any matters in relation to probity and propriety for specific action.

1.5 Work on the assessment for 2007/08 is currently being undertaken by the external auditor.

##### 2 Referrals to the Standards Board 2006/07

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, unless the details have already been revealed due to the papers on a case having been published for a Standards Committee hearing. In the references below "ESO" = Ethical Standards Officer at the Standards Board.

## 2.2 Parish Councils

- (a) ESO Finding – Not to be investigated.

Two referrals by same complainant about two Councillors in relation to the same matter. Insufficient information submitted, not followed up by complainant.

- (b) ESO Finding – No breach of the Code.

Two referrals by same complainant about two Councillors in relation to the same matter.

- (c) ESO Finding – No breach of the Code

The complaint about a Councillor related to a neighbour dispute not affecting the Councillor's official duties.

- (d) ESO Finding – Potential breach of the Code on one aspect of the complaint. Not serious enough to warrant investigation.

One Councillor involved. The potential breach related to failure to declare a personal interest – but the interest was not prejudicial so the Councillor could still have participated in the debate.

- (e) ESO Finding – Refer to Monitoring Officer for local investigation.

Outcome of the investigation to be considered by a Standards (Determinations) Sub-Committee to be arranged shortly.

- (f) ESO Finding – No Breach of the Code. Inappropriate to re-open previous Winchester Standards Committee findings.

The complainant then asked that the ESO's decision be reviewed under the Standards Board's internal review procedure. The review decision was that the case had been handled correctly and that the final decision was reasonable.

The matter involved two complaints about two councillors brought by the same complainant. The case related to previous related complaints already determined by the Standards Committee on 9 July 2007 – Report ST57 refers. The Committee had supported the report of the external investigator that there was no breach of the Code.

The complainant also made a complaint to the Local Government Ombudsman alleging maladministration by the Monitoring Officer and members of the Standards Committee in the manner in which they had handled the case. The Ombudsman rejected that complaint and made a finding of no maladministration.

### 2.3 City Council

No complaints made in the year.

### 2.4 Referrals in 2008/09

Since May 2008 any complaints are made direct to the Council, rather than being filtered through the Standards Board. No complaints about either City or Parish Councillors had been received at 1 September 2008.

### 3 Training in 2007/08

3.1 Due to the introduction of the revised Code of Conduct, two sessions of the Probity and Ethics training were held, on 5 June and 2 July 2007, and collectively 51 of the 57 Members attended, with the remainder receiving copies of the training papers.

3.2 Training regarding Planning Material Considerations and the Planning Protocol was held on 23 May 2007 and 20 Members attended, including all of the Planning Development Control Committee.

### 4 Future Work Programme - Training

4.1 Approved training for City Councillors already includes two sessions –

(a) Model Code of Conduct and local protocols (held 3 June 2008 with 19 attendees)

(b) Planning – Material Considerations and the Planning Protocol (held 21 May 2008 with 20 attendees).

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

4.3 A general training evening will be held for parish councils on Thursday 16 October 2008.

4.4 If the Government's proposals for further changes to the Model Code and joint working between Standards Committees are introduced later in the year, then appropriate training on the changes will also be put in place.

### 5 Future Work Programme – Standards Committee Business

5.1 Last year, the Committee undertook a review of local protocols in relation to experience gained in their operation and because of the changes to the Model Code in 2007. This means that the protocols are now up to date.

- 5.2 The Government has announced that a further review of the Model Code will be undertaken. This will include changes to how the Code will apply to Councillors when they are operating in a private capacity, rather than undertaking official business.
- 5.3 Regulations are also expected on possible joint working with other Standards Committees to share the work.
- 5.4 The remaining work will be to deal with any complaints received – and to review the experience for any lessons to be taken on board.
- 5.5 One of the key areas identified in the Democratic Services Division Business Plan for 2008/09 is to filter and determine complaints previously determined by the Standards Board. This matter is covered in more detail in Report ST70 elsewhere on this agenda.

#### OTHER CONSIDERATIONS:

##### 6 CORPORATE STRATEGY (RELEVANCE TO):

- 6.1 An Efficient and Effective Council

##### 7 RESOURCE IMPLICATIONS:

- 7.1 As previously highlighted to Members, local investigations/determinations will need to be carefully monitored, to see if there is a need for additional 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 to is significant. The base budget is £10,000 per annum and Cabinet approved a further carry forward of £10,000 for 2008/09 to enable further assistance to be obtained if necessary, having regard to the possible additional work through local filtering of complaints.

#### BACKGROUND DOCUMENTS:

Corporate Director (Governance) file (less exempt items).

#### APPENDICES:

None