

STANDARDS COMMITTEE

28 September 2009

REVIEW OF 2008/09 AND CURRENT WORK PROGRAMME

REPORT OF CORPORATE DIRECTOR (GOVERNANCE)

Contact Officer: Stephen Whetnall/Chris Ashcroft Tel No: 01962 848220/848284
swhetnall@winchester.gov.uk or cashcroft@winchester.gov.uk

RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

This report reviews Standards issues during 2008/09 and summarises the number of complaints received in that year, together with the figures for 2009/10 up to 11 September 2009. Issues for the work programme for 2009/10 are also outlined.

Attached to the report is an extract from the Audit Commission's Use of Resources Assessment and a copy of the most recent Annual Return made to the Standards Board regarding probity and ethics in the Council.

RECOMMENDATION:

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 Use of Resources Assessment

- 1.1 The Audit and Inspection letter for 2007/08 was considered in detail by Principal Scrutiny Committee at its meeting on 21 April 2009. (Report PS364 refers).
- 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 "2" and an explanatory extract is attached as Appendix A.
- 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 2008/09 will be reported upon by the District Auditor shortly.

2 Complaints in 2008/09

- 2.1 Since May 2008 any complaints are made direct to the Council, rather than being filtered through the Standards Board.
- 2.2 No new complaints about either City or Parish Councillors were received during the year.
- 2.3 One complaint which commenced in 2007/08 was concluded in 2008/09. This related to a Parish Councillor who, it was alleged, prevented access to Council information; failed to declare an interest at a meeting; and failed to record an interest on his Register of Interests form. The Committee concluded that there had been no breaches of the Code of Conduct.

3 Complaints in 2009/10

- 3.1 No complaints about City Councillors have been received to date.
- 3.2 Two separate complaints about Parish Councillors on different Councils have been considered by the Standards (Assessments) Sub Committee to date.
- 3.3 In the first case, the complainant made six allegations, two of which were referred for investigation. The complainant has since asked for a review of the decisions on those four allegations not referred and this will be undertaken by the Standards (Review) Sub Committee. He has also submitted new allegations related to the conduct of the Councillor concerned, which will be considered by the Assessments Sub Committee.
- 3.4 In the second case, the Assessments Sub Committee decided not to refer the complaint for investigation and the parties have been informed accordingly. This matter is still within the period when the complainant can request a review of that decision.

4 Training in 2008/09

- 4.1 Training regarding Planning Material Considerations and the Planning Protocol was held on 21 May 2008 with 21 attendees.
- 4.2 Probity and Ethics training was held on 3 June 2008 with 19 attendees
- 4.3 A general training evening was held for parish councils on Thursday 16 October 2008 with 15 attendees.

5 Training in 2009/10

- 5.1 Training regarding Planning Material Considerations and the Planning Protocol was held on 26 May 2009 with 15 attendees.
- 5.2 Probity and Ethics training was held on 30 June 2009 with 31 attendees.
- 5.3 In addition, training was provided for Members on 6 July 2009, regarding the new complaints procedures, with 17 attendees.
- 5.4 A general training evening will be held for parish councils on Thursday 15 October 2009.
- 5.5 Joint working between Standards Committees has now been approved by the Government (see Report ST76) and, if training is required, this will be put in place, together any topics arising from the programme in 6 below.

6 Future Work Programme

- 6.1 A revised Code of Conduct should be issued before the end of the year and, whilst major changes are not anticipated, it may include further guidance about Councillors when they are operating in a private capacity.
- 6.2 In 2007, the Committee undertook a review of the Council's local protocols, following changes to the Code at that time. Therefore, the protocols are relatively up to date, but may need to be revised again in the light of 6.1 above.
- 6.3 The awaited Code of Conduct for Officers is still at the draft stage and will now be introduced in 2010, following a period of consultation.
- 6.4 The Local Government Association has issued further guidance regarding Probity in Planning and the Planning Development Control Committee will be considering this, together with a number of other issues, at an informal meeting to be held on 22 October 2009. The Standards Committee will consider proposals for any changes to the Protocol arising from these deliberations in due course.
- 6.5 The remaining work for the year is likely to be dealing with any complaints received.
- 6.6 At the next meeting of the Committee (30 November 2009), Members will be asked if they wish the Independent Members to again undertake monitoring of proceedings at the Council's main committees. Their principal role is to ascertain whether the Code of Conduct is being correctly observed at meetings and to identify any areas for improvement in general administration. This exercise has been carried out every two years since 2003 and usually highlights one or two issues which have subsequently been changed, having regard to the comments made.

OTHER CONSIDERATIONS:

CORPORATE STRATEGY (RELEVANCE TO):

An Efficient and Effective Council

RESOURCE IMPLICATIONS:

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.

RISK MANAGEMENT ISSUES

None

BACKGROUND DOCUMENTS:

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

APPENDICES:

- Appendix A - Extract from Audit Letter re. Use of Resources
- Appendix B - Annual Return to Standards Board for England

Use of Resources

43. The findings of the auditor are an important component of the CPA framework described above. In particular the Use of Resources score is derived from the assessments made by the auditor in the following areas.
- Financial reporting (including the preparation of the accounts of the Council and the way these are presented to the public).
 - Financial management (including how the financial management is integrated with strategy to support council priorities).
 - Financial standing (including the strength of the Council's financial position).
 - Internal control (including how effectively the Council maintains proper stewardship and control of its finances).
 - Value for money (including an assessment of how well the Council balances the costs and quality of its services)
44. For the purposes of the CPA your auditor has assessed the Council's arrangements for use of resources in these five areas as follows.

Table 1

Element	Assessment
Financial reporting	2 out of 4
Financial management	2 out of 4
Financial standing	3 out of 4
Internal control	2 out of 4
Value for money	2 out of 4
Overall assessment of the Audit Commission	2 out of 4

Note: 1 = lowest, 4 = highest

45. The Council scored 2 out of 4 in its Use of Resources assessment. Key areas identified for improvement include the following.
- Ensuring that the statement of accounts and working papers submitted to audit are in accordance with the agreed audit timetable.
 - Completing the task of undertaking condition surveys of non housing related properties.
 - Once this task is completed the Council can then ensure that the financial aspects of its fixed assets are appropriately incorporated into the financial planning process.
 - Ensuring that the Risk Strategy is complied with and the Risk Register is effectively maintained.
 - Improving further the links between corporate and departmental business planning, aligning departmental business plans to the corporate plan over a five year period. The financial strategy should be effectively linked to asset, IT and human resource strategies.
 - Continuing to use information provided by the Performance Management system to identify performance issues that need to be addressed and then monitor the actions that have been agreed to secure the improvements. While cost is clearly a key element of this aspect of the assessment, it is important that the Council also pays sufficient attention to quality/performance of services.



Friday 8 May 2009



Confidence in local democracy

Annual return

Summary

show all

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Independent overview

Does the standards committee have Terms of Reference?

Yes

What help do members receive on following the Code of Conduct?

An annual training session is provided on the Code of Conduct. Training is also provided on our local protocols. Some emphasis is given to the Planning Protocol and Protocol for Member Participation in the Consideration of Grant Aid Applications from Local Organisations, as past experience has shown these are particularly relevant in our local context. Our other local protocols include Member/Officer Relations; Licensing/Appeals and Disputes; Gifts and Hospitality; Anti-fraud and Corruption; IMT Security and Conduct Policy. We also have Guidance for Members on Outside Bodies. Standards Committee, supported by Full Council, require Members to attend this training at least once every two years to keep up to date. Advice is made available on ethical issues on request from the Monitoring Officer or Legal/Democratic Services staff. This is taken up regularly. Advice is also given pro-actively either to all members or to individuals when the Monitoring officer (or his staff) think this will help to avoid potential problems arising. This can arise from other members raising issues in advance. The Monitoring Officer reviews registers and minutes and has reports from staff on any matters of potential concern to enable pro-active action to be taken.

Does the standards committee have a forward work plan?

Yes

If yes, who outside of the standards committee is involved in agreeing the forward work plan? Please explain below.

The Monitoring Officer advises on the Work Plan. He is also a Corporate Director on the Management Team and takes soundings as necessary with overall responsibility for co-ordinating all Governance issues - which can overlap between Standards Committee work and external audit, peer review inspections and internal audit reports. The S151 officer and internal audit staff also report to him and so he maintains an overview of wider governance issues. He also attends Principal Scrutiny Committee which has the audit committee function.

Is the standards committee given a role in reviewing amendments to the Authority's Constitution (or Standing Orders where appropriate)?

Yes

If yes, when was the last review undertaken and what was the standards committee's role in the review? Please explain below.

The Standards Committee is involved in changes to any elements of the Constitution which are relevant to ethics and probity. Over the last three years all local protocols have been reviewed and updated - the Standards Committee makes recommendations on any changes to Full Council. At draft stage other councillors can be involved in a review. For example, Planning Committee members have full input into reviews of the Planning Protocol and attend Standards Committee to answer questions before the Standards Committee produces the final draft. Over the last three years all local protocols have been reviewed and updated. The bulk of the work was undertaken in 2006/07 and 2007/08. In 2008/09 the IMT and Security Policy and role of the Standards Committee have been reviewed.

Standards committee meetings.

Please use the table below to indicate how many times between 01/04/2008 and 31/03/2009 the standards committee has met and for what reasons.

Reason for meeting	Number of times met between 01/04/2008 and 31/03/2009
General meeting of whole standards committee	3
Training	2
Assessment sub-committee	0
Review sub-committee	0
Consideration meeting	1
Hearing	0
Other	0



Standards committee - annual report

Does the standards committee produce an annual report on its own work?

Yes

Is the annual report received by a meeting of the full authority?

No

Is the annual report sent to all members?

Yes

Is the annual report sent to all senior officers?

Yes

How is the annual report publicised to the general public?

It is available on the Council's website. Copies are made available to parish councils along with all the other agenda items for the Standards Committee - either electronically or in paper form, according to the wishes of the Council concerned.



Standards committee - promoting standards

What else does the standards committee do to communicate the role of the standards committee and the importance of high standards internally within the authority to members and officers?

The Committee considers the training programme for Members and feedback/attendance on that training. A separate training evening is also held for parish councils in the District. The annual report will also consider any ethics/probity issues arising from the Use of Resources Assessment. Relevant officers receive appropriate training. Any learning issues arising from practical experience are discussed with Corporate Management Team and senior managers.

What else has the standards committee done to promote confidence in local democracy to the wider public?

The website provides full details of how complaints can be made about councillor's conduct and the criteria that apply for assessment of whether there is a potential breach of the Code of Conduct. Advice is also given in response to public queries by the Monitoring Officer's staff. Members of the Standards Committee undertake a formal programme of visiting the Council's major committees to monitor ethical performance - Cabinet, Principal Scrutiny Committee; Planning; and Licensing. A written report on observations/recommendations is made back to members. This covers ethical issues but will also raise any issues where the customer experience of a member of the general public attending meetings could be improved. This feedback is also used in Member Training. The Council has gone wider than the minimum requirements and has 4 Independent members from diverse backgrounds. It also has 4 parish representatives and introduced an Independent Chair before this was a legal requirement.

Has the authority, or the standards committee in particular, considered how it will monitor and ensure high standards of behaviour when the authority is working in partnership with other organisations?

Yes

Please provide examples.

The Council has a Guide to Members on Outside Bodies and a Protocol on Member Participation in the Consideration of Grant Applications from Local Organisations. Member training highlights how to deal with potential conflicts of interests. It emphasises the availability of officer advice and this is asked for by Members regularly. The Monitoring Officer and his staff monitor the register of interests and declarations made at District Council level meetings to ensure compliance with the Code and give advice if they see potential problems arising. The minutes demonstrate regular declarations being made and record the link to any organisation in the declaration made and how it affected participation. Consideration is given to separation of roles, where appropriate, as appointments are made. Other officers and members occasionally report any queries about involvement in outside bodies for the Monitoring Officer to follow up. Any lessons from formal complaints would also be followed up.



Standards committee - training

Between 01/04/2008 and 31/03/2009, has the authority assessed the training and development needs of members in relation to their responsibilities on standards of conduct?

Yes

What training needs were identified?

Basic understanding of the Role of the Council and Members - New Member Induction. Code of Conduct and Local Protocols; Planning Protocol. Local Assessment and Hearings. Code of Conduct - Parishes.

Please provide a list of training and development opportunities that have been provided to members and officers in the period from 01/04/2008 and 31/03/2009, that are relevant to ensuring high standards. Your list should include any training that relates to the operation of the local standards framework, e.g. local assessment, hearings etc.

New Member Induction - 19 May 2008 Code of Conduct and Local Protocols; Planning Protocol - 3 June 2009. Local Assessment and Hearings - 7 July 2009. Code of Conduct - Parishes - 16 October 2008. Relevant Officers go on appropriate training as necessary eg Law Society Local Govt Group. Also County and Regional Solicitors and Democratic Services Officer Groups. Standards Board Roadshows. Whistleblowing training provided to all senior officers - Jan to March 2009.



Leadership

How often has the standards committee, or its chair, met the chief executive to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

There has not been the need for the Committee or Chairman to separately meet the Chief Executive. This is because the full Council has adopted the Committee's constitutional recommendations and there have been no complaints made against District Councillors in 2008/09. However, the Monitoring Officer briefs the Chief Executive on any emerging issues. The Chief Executive may directly take up some issues with Members - particularly if there is a likelihood of a complaint being lodged and there is a need to avoid the Monitoring Officer and his Deputy from being conflicted out at a later stage.

How often has the standards committee, or its chair, met the leader of the council to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

There has not been the need for the Committee or Chairman to separately meet the Leader. This is because the full Council has adopted the Committee's constitutional recommendations and there have been no complaints made against District Councillors in 2008/09. However, the Monitoring Officer briefs the Leader on any emerging issues where it is appropriate for him to have involvement. This will normally be to avoid any Code of Conduct issues arising in his group or for support on any changes to constitutional arrangements.

How often has the standards committee, or its chair, met the other party group leaders to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

There has not been the need for the Committee or Chairman to separately meet the other group leaders. This is because the full Council has adopted the Committee's constitutional recommendations and there have been no complaints made against District Councillors in 2008/09. However, the Monitoring Officer briefs other group leaders on any emerging issues where it is appropriate for them to have involvement. This will normally be to avoid any Code of Conduct issues arising in their group or for support on any changes to constitutional arrangements.

Does the standards committee, or its chair, have regular access to the monitoring officer? How regular?

The Monitoring Officer attends all Standards Committee meetings and training sessions. The Monitoring Officer will brief the chairman on emerging issues (approx every 2 months or as the need arises if urgent) and other members on request about individual queries.

How many times in the last 12 months (from 01/04/2008 to 31/03/2009) has the standards committee chair been invited to address a full authority meeting?

None

Does the monitoring officer sit on the Corporate Management Team, or equivalent?

Yes

Has an executive member (or senior member where appropriate) been given portfolio responsibility for standards?

Yes



Complaints

Can the public access information, from the authority website, about how to make a complaint against a member?

Yes

What else has the authority done to advertise the complaint process on member conduct to the general public?

Notices on Council public notice boards and distributed for parish notice boards. Member and parish council training.

Has the authority sought feedback from any of those people involved in an allegation of member misconduct about their satisfaction with the member conduct complaint process (for example the complainant, witnesses or person against whom the allegation was made)? Please choose from responses below.

No, have not sought feedback

How does the authority communicate the outcome of investigations into member conduct to:

a) members

Through Committee report website - and any learning lessons separately drawn to the attention of those concerned.

b) officers

Through Committee report website - and any learning lessons separately drawn to the attention of those concerned.

c) the general public

Through Committee report website and distribution of agendas to parish councils. Also statutory public press notice where relevant. Current experience is that the press will attend and report on the limited number of cases where the sub-committees deal with individual cases.

How does the authority communicate the outcome of allegations into member conduct which have NOT resulted in an investigation (for example those allegations which have not been referred for investigation and those allegations which have resulted in other action) to:

a) members

In summary form in Sub Committee published minutes and in the annual report, unless there are learning lessons which need to be reported to those affected.

b) officers

In summary form in Sub Committee published minutes and in the annual report, unless there are learning lessons which need to be reported to those affected.

c) the general public

In summary form in Sub Committee published minutes and in the annual report, unless there are learning lessons which need to be reported to those affected.



Member officer relations

Does the authority have a protocol for relations between members and officers?

Yes

How is the protocol communicated to officers and members?

It is contained in the Constitution and included in Member Training on Induction and Code of Conduct/Protocol Training. Senior Officers are aware of the Code and raise any potential problems with their Director, Monitoring Officer or Chief

Executive.

What is the mechanism for reviewing the effectiveness of this protocol?

At a formal level this would arise if there were any demonstrated problems eg complaints against a Member or if issues were raised by Members or Officers that the systems were ineffective. There have been no such complaints or issues raised locally. For informal mechanisms see below.

Does the authority include training on the importance of high standards of behaviour in the inductions of new members and officers?

Yes

Does the authority have informal mechanisms for dealing with member/officer and member/member disputes?

Yes

Please provide details of any mechanisms and, if possible, provide an example where this has been used.

The Protocol provides that any Member concerns about officers should be dealt with through the Chief Executive or appropriate Director. This is usually effective in resolving potential issues. A typical example would be where a Member considered that officer advice did not cover the full range of options that were legally open to Members. An example would be where Members consider that a planning application should be refused, against officer advice - and needed alternative advice on whether there were adequate legal grounds for refusal. Members or Officers may raise concerns informally with the Chief Executive, Monitoring Officer or other Directors who will seek to resolve the matter by liaising with the appropriate individuals or Group Leader. Group Leaders will take matters back to seek to resolve in their areas. Higher level issues may also be raised in regular meetings of Group Leaders with the Chief Executive and other senior officers.

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Registering member interests

Is the member register of interests accessible to the public on the authority website?

No

Please briefly explain whether there is any particular reason why not.

The website gives details where public inspection can take place - either in the City Offices or through parish clerks who have copies for their council. There was concern that putting full copies of the register on the website might discourage members from full disclosure - particularly in parishes where there was concern at local level. The view was taken that public inspection rights were sufficient for those who had a genuine concern or query.

Is the register of gifts and hospitality available to the public on the authority website?

No

What does the authority do to signal to members the importance of declaring interests and completing the register of interests and the register of gifts and hospitality?

Included in District and Parish training. The Monitoring Officer and his staff monitor declarations made at meetings and he reviews the register to ensure a consistent approach is being taken. Some Members of the Standards Committee undertake annual spot checks at other meetings to see that the declaration process is working and capable of being understood by the general public. The City Council has a local policy that register returns should be made annually - and staff progress chase so that all returns are lodged. Parishes are advised that this is best practice - but most choose to comply with the legal requirement of every 4 years and when any changes occur. Monitoring Officer staff progress chase through parish clerks to ensure returns are made.

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Officer conduct

Does the authority have a code of conduct for senior officers?

Yes

Does the authority compile a register of senior officers' interests?

Yes

If yes, is the register of senior officers' interests available to the public on the authority website?


No - it was considered that disclosures were more likely to be made if the register was only available for Management and Auditor use.

Does the authority compile a register of senior officers' gifts and hospitality?

Yes

If yes, is the senior officers' register of gifts and hospitality available to the public on the authority website?

No



Optional questions

The following questions are optional; you do not have to complete them if you do not wish to. However, this information would be useful to us in helping us to raise ethical standards.

On what issues, if any, would you appreciate more support or guidance on from the Standards Board for England?

Roadshow approach to training (half day) at a time is more useful than the 2 day annual conference. The annual conference only seems to have sufficient content for a 1 day conference.


The Standards Board for England, the Improvement and Development Agency and the Audit Commission have developed a toolkit that authorities can use to assess the ethical governance arrangements in their authority, and also to identify improvements.

Has your authority used the ethical governance toolkit?

No

If no, has your authority considered using the ethical governance toolkit?

Yes



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