

STANDARDS COMMITTEE

MONDAY, 21 JANUARY 2008

PRESENT:- Mr Keith Carby (Chair), Mr Trevor Davies (Vice-Chair), Mr Paul Morris, Mr Mike Compton, Councillor Melanie Duff and Councillor Maurice Fanning.

17. Declarations of Interest

The Chair reminded Members of the need to declare any known interests in any matters to be considered at the meeting. No declarations were made.

18. Minutes

Resolved – That the minutes of the meeting held on 29th October 2007, be confirmed and signed as a correct record.

19. Public Question Time

No public questions were received during the meeting.

20. Exempt Items - Exclusion of Press and Public

Resolved - That, in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded during the discussion of the matters referred in Agenda Item 10 on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraphs 1 and 2 of Schedule 12A to the Act, and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information concerned (Minute 25 refers.)

21. Consultation on Orders and Regulations Relating to the Conduct of Local Authority Members in England

The Committee considered the Department for Communities and Local Government (DCLG) consultation paper 'Orders and Regulations Relating to the Conduct of Local Authority Members in England', for which a response was required by 15th February 2008. The consultation paper set out arrangements for a) local filtering of misconduct allegations, b) Standards Committee and Adjudication Panel issuing of penalties and sanctions, c) the new strategic role for the Standards Board, and d) other matters for the Standards Committee including granting dispensations, exemptions of posts from political restrictions and pay for political assistants. The Committee considered the report by the Director of Law and Democratic Services (Monitoring Officer) and a proposed response to each consultation question.

Resolved – That the Director of Law and Democratic Services (Monitoring Officer) be authorised to respond to the DCLG Consultation Paper as set out in the Monitoring Officer's report, subject to an additional comment on consultation question 16, that the date for Council implementation of the reformed conduct regime should be no less than 2 or 3 months after the introduction of the Regulations.

22.

Review of Council Codes and Protocols

The Committee considered a report of the Director of Law and Democratic Services, recommending that the Council Codes and Protocols at Appendix 1 be adopted as amended during the consultation period. In addition, the Committee considered representations received subsequent to the publication of the Agenda, including a request from Councillor Ford for a change to the Cabinet Role definition to include a specific requirement to consult with Ward Members, and comments from the Developers Forum held on 16th January 2008.

Resolved – 1) That the 'Monitoring Officer Protocol', 'Guidance to Councillors on Dealings with the Media' and 'Protocol of Member / Officer Relationships' be adopted as set out in Appendix 1 to the Agenda.

2) That the 'Councillors Role Definitions' be adopted as set out in Appendix 1 to the Agenda, subject to the following amendments, and to any amendments made by the Audit Committee to the new role definitions of 'Chair of Audit Committee' and 'Member of Audit Committee':

- ◆ The 'Cabinet Role Definition' be amended to include an additional duty as follows: "That the Cabinet Member must consult with Ward Councillors on any decision that affects that Councillor's Ward, and have regard to any comments from Ward Councillors before a decision is made".
- ◆ The 'Non-Executive (Backbench Councillor) Role Definition' duty no. 9 be amended as follows: "To represent Swindon Council to the community, and the community to Swindon Council, through various methods available and, in particular, to work with Parish Councils in parished areas"

3) That the 'Members Planning Code of Good Practice' be adopted as set out in Appendix 1 to the Agenda, subject to any further amendments to be made by the Director of Law and Democratic Services to include the followings:

- ◆ That the introduction be amended to include a request to send any complaints of breach of the protocol to the Monitoring Officer.
- ◆ Part 2, bullet 2 be amended to: 'Don't try to represent ward / local views, get another Ward / Local Member to do so instead, except where permitted under the Members Code of Conduct'.

4) That the Director of Law and Democratic Services be authorised to finalise the wording of the Codes and Protocols to take into account the above matters, and be requested to publicise the Codes and Protocols as necessary.

23.

Delivering Good Governance in Local Government

The Committee received a report from the Director of Law and Democratic Services and Head of Internal Audit on the new CIPFA / Solace discretionary Code of Corporate Governance Statement defining principles to underpin the governance of each local authority. It included a statutory requirement for the Council to publish an Annual Governance Statement, replacing the Statement on Internal Control, and a recommendation the Council's prepare a Local Code of Governance. The matter had been considered by the Council's Corporate Governance Working Group and the Audit Committee, who had made recommendations on how the Council might take the new framework forward, which the Standard's Committee now endorsed.

Resolved: 1) That the Committee notes that the Corporate Governance Working Group have requested the Director of Law and Democratic Services and the Head of Internal Audit to review the existing governance arrangements against the Corporate Governance Framework published by CIPFA / SOLACE.

2) The Committee notes that the Corporate Governance Working Group have requested the Director of Law and Democratic Services to develop a Local Code of Governance, including arrangements for its ongoing application and effectiveness.

3) The Committee recognises the Audit Committee's role in recommending the approval of the annual governance statement, reporting publicly on the extent to which the Council complies with its own code annually, including how the Council has monitored the effectiveness of its governance arrangements in the year, and on any planned changes in the coming period.

4) The Committee notes that the Corporate Governance Working Group, the Standards Committee, the Council's Corporate Board, the Cabinet, the Audit Committee and the full Council will all be involved in the reporting lines of the process associated with the preparation of the Annual Governance Statement.

24. Ethical Framework Update

The Committee received a report from the Director of Law and Democratic Services (Monitoring Officer) on Ethical Framework matters including: a) an update on Membership of the Committee, including a proposal to increase the number of Committee members in order to operate effective local filtering arrangements and for the Monitoring Officer to advertise for an additional independent member in April 2008; b) the Standards Board Bulletin for December 2007 (Issue 36); c) that the Council took part in a Standards Board pilot to test a new online submission system for imputing information on Standards Complaints, d) the next Berkshire, Oxfordshire and Wiltshire Independent Standards Committee Members Forum to take place on Friday 29th February 2008; e) that it was still planned to arrange a Standards Committee Conference later in the year; and f) an update on Members' training and development.

Resolved: 1) That the Ethical Framework update be welcomed and noted.

2) That the Corporate Governance Working Party be consulted on the recommendation to Council that the membership of the Standards Committee be increased from 7 to 11 members (2 Conservative Members, 2 Labour Members, 1 Liberal Democrat, 4 Independent Members and 2 Parish Representatives) to provide additional capacity to operate local filtering arrangements when introduced.

3) That the Monitoring Officer be authorised to advertise for up to two independent members for appointment from May 2008.

25. Ethical Framework Compliance Update

The Committee considered a report of the Director of Law and Democratic Services (Monitoring Officer) and the Head of Internal Audit, concerning the progress and outcome in relation to various ethical framework compliance matters which included a breakdown of the whistleblowing cases and outcomes dealt with during the last year. The Committee were pleased to note that there was a steady number of complaints received from officers, members and the public, showing that there was a wide awareness of the whistleblowing policy and that the procedure was working effectively.

Resolved: That the report be noted.