

STANDARDS COMMITTEE

28th July 2005

**PRESENT:-**

**District Council Members**

Councillors Bale and Jones.

**Parish Members**

Mrs. C. Barker and Mr. R. Buxton.

**Independent Members**

Mr. D.R. Williams (Chair), Mr. P. J. Dawn (Vice Chair) and Mr. T. Thompson.

(The Chair welcomed Mr. T. Thompson to his first Meeting of the Committee).

**APOLOGY**

An apology for absence from the Meeting was received from District Councillor Mrs. Mead.

SC/6. **MINUTES**

The Open Minutes of the Meeting held on 9th June 2005 were taken as read, approved as a true record and signed by the Chair.

With regard to Minute No. SC/5 relating to the consultation paper on the review of the Code of Conduct for Members, the Chair advised that the Committee's recommendations had been accepted by the Council on 16th June 2005 for submission to the Standards Board for England.

SC/7. **LOCAL CODE OF CORPORATE GOVERNANCE**

Members received a report on the advice and guidance produced by the Chartered Institute of Public Finance and Accounting (CIPFA) and the Society of Local Authority Chief Executives and Senior Managers (SOLACE) with regard to the adoption of a Local Code of Corporate Governance.

Corporate Governance as a concept began in a company context and was restricted to issues relating to financial reporting and accountability. During the early to mid 1990s, the principle spread to the public sector to address concerns relating to the lack of accountability of public bodies and media interests in sleaze in public life. CIPFA and SOLACE expanded the original financial principle into more far reaching principles applicable to Local Authorities and incorporated them into a single framework of Corporate Governance, especially for use by Local Authorities. CIPFA and SOLACE had recommended that a Corporate Governance framework be adopted by every Local Authority, with the aim of integrating the principles in its day-to-day activities.

Corporate Governance was defined in the CIPFA/SOLACE publication 'Corporate Governance in Local Government – A Keystone for Community Governance' as "the system by which Local Authorities direct and control their functions and relate to their communities". Three principles underpinned Corporate Governance, being openness and inclusivity, integrity, and accountability. To comply with the principles of Corporate Governance, it was important that these were reflected in every dimension of the Council's business. For the purposes of Corporate Governance, five dimensions had been identified, being community focus, service delivery, structures and processes, risk management and internal control and standards of conduct. The CIPFA/SOLACE guidance had recommended that a Local Authority's performance against these five dimensions should be reported both internally and externally as part of its published accounts and its Best Value Performance Plan. The report needed to take the form of an assurance, approved by the Council and signed by the Leader and Chief Executive, that the Council's Corporate Governance arrangements were adequate and were operating effectively. If there were any gaps or improvements that had been identified, then the steps being taken to address these should be explained.

A draft Local Code had been circulated to Members, which was basically a summary of the Council's commitment to high standards of Corporate Governance. In 2005, Heads of Service and Unit Managers were invited to take part in an audit, based on the CIPFA/SOLACE guidance. A report of the self assessment undertaken had also been circulated and this provided the evidence of how the Council had fulfilled or intended to fulfil the Council's commitment to high standards of Corporate Governance. It also established the Council's baseline position relating to compliance with the three principles and five dimensions of Corporate Governance referred to above. Many of the action points contained within the Code were Corporate Plan Milestones and would be monitored through the Corporate Plan processes and the rest of the action points via Service Plans.

It was suggested that this Committee should receive half-yearly reports on progress relating to compliance with the action points and should report the findings to Full Council. This would help to ensure that the Committee had a pivotal role in promoting and maintaining high standards of conduct throughout the Authority. As Corporate Governance was an all-encompassing concept, it appeared appropriate for the Leader of the Council and the Chief Executive to have overall responsibility for implementing the Code and monitoring the Council's performance against the commitments contained within it. However, it must be recognised that the Code should be owned by all Members and Officers.

**RESOLVED:**

***That the following recommendations be made to the Council:-***

- (1) That the Local Code of Corporate Governance attached to the report be adopted.***
- (2) That the Standards Committee review and report half-yearly to the Council on progress in achieving the action points set out in the Code.***

- (3) That the Member responsible for implementing the Code and monitoring the Council's performance against the commitments set out be the Leader of the Council.**
- (4) That the Officer responsible for implementing the Code and monitoring the Council's performance against the commitments set out be the Chief Executive.**

SC/8. **LICENSING PROTOCOL AND PROCEDURE**

The proposed Licensing Protocol and Procedure had been circulated for Members' consideration. This had been written having regard to the Council's commitment to the principles of good enforcement, particularly openness and consistency that were included within the National Enforcement Concordat.

The Licensing and Appeals Committee exercised licensing and registration requirements under the Licensing Act 2003. Applications were referred for Members' consideration where objections had been lodged by relevant parties that were not deemed to be frivolous or vexatious and where Officers had reservations about the appropriateness of an application or the suitability of an applicant. These applications and appeals would be dealt with by a Sub-Committee of the Licensing and Appeals Committee. Those applications which were not subject to objection would be determined under powers delegated to the Director of Community Services.

The purpose of the Protocol was to set out how Members should act, together with the procedures which should be followed to ensure that Members not only acted in a fair and proper manner but were also seen to do so. The Protocol had been prepared with a particular emphasis on Members who served on the Licensing and Appeals Committee/Sub-Committee but its content was also relevant to all other Councillors and also to Officers in all other services.

This Council, along with all other Local Authorities, had adopted a Code of Conduct which specified the obligations imposed on Members and defined personal and prejudicial interests and how these would affect the way a Member behaved. This Code of Conduct, which every Member had signed up to, was the statutory base to which this Protocol was added. In some areas, this Protocol would extend, or go further than the Code of Conduct.

At its Meeting held on 11th July 2005, the Licensing and Appeals Committee had approved the Protocol and Procedure and had referred the matter to this Committee for any recommendations to the Full Council.

It was considered that the definition of an 'interested party' in paragraph A4.8 of the Protocol should be expanded for the purposes of clarification.

**RESOLVED:**

***That, subject to the suggested amendment of paragraph A4.8, as outlined above, the Licensing Protocol and Procedure be recommended to the Full Council for approval and adoption.***

SC/9. **INCREASE IN MEMBERSHIP OF THE STANDARDS COMMITTEE**

It was reported that at its Meeting held on 16th June 2005, the Full Council had appointed three Independent Members to the Committee for a period of four years. On 19th January 2005, the Committee on Standards in Public Life had published its tenth report entitled 'Getting the Balance Right: Implementing Standards of Conduct in Public Life'. The summary report made a series of recommendations to the Government to improve the effectiveness of arrangements introduced to ensure high standards of conduct in Local Government. One of the recommendations directly affecting this Authority stated that the Government should introduce, as a matter of urgency, secondary legislation to require a majority of Independent Members and an Independent Chair for Standards Committees and Sub-Committees in England. In 2004, this Council had amended its Constitution to reflect the need for the Chair of the Standards Committee to be an Independent Member of that Committee. It was now suggested that this Authority should adopt further changes to the Constitution to increase the membership of the Standards Committee from eight to ten Members, as follows:-

- (a) Three District Council Members.
- (b) Five Independent Members.
- (c) Two Parish Members.

An increase to five Independent Members would ensure that these Members had a majority on the Committee, thereby enhancing and reinforcing the important role of the Independent Members of the Committee. This would reiterate that the Council was proactive in raising the standards of ethical conduct amongst Members and had in place arrangements that were designed not only to promote and ensure probity and propriety in the conduct of its business, but also be seen by the public to be doing so. It was also anticipated that such a move would be relevant when assessing the Council's performance in the key lines of enquiry for the new "use of resources" block, which would be one of the main elements of the revised Comprehensive Performance Assessment regime.

If it was agreed to increase the number of Independent Members, it would be necessary to advertise in at least one or more newspapers circulating in the area of the Authority. It was suggested that the advertisement, the overview of the role together with the person specification approved by the Council on 7th April 2005 should be utilised again in the additional appointments for four years. It was also suggested that the same recruitment procedure as undertaken recently should apply.

**RESOLVED:**

***That the following recommendations be made to the Council:-***

- (1) That a further two Independent Members be appointed to the Council's Standards Committee to increase the membership of the Committee to ten Members in the composition outlined in the report.***

- (2) ***That the Chief Executive be authorised to shortlist and interview applicants for the additional two positions of Independent Members using the advertisement, overview of role and person specification approved by the Council on 7th April 2005.***
- (3) ***That a further report be submitted to the Council following the recruitment process recommending the appointment of a further two Independent Members to the Standards Committee.***

SC/10. **WEBSITE**

It had been suggested that information should be placed on the Council's website to promote standards and raise the profile of the Committee. This would include information on the Constitution, various Codes and Protocols, the role, function and composition of the Committee and details of the Standards Board for England. The proposed information to be included had been circulated with the report and it was noted that a brief profile of each Member would be required. In this regard, examples of Member profiles contained on the Derbyshire County Council's website were circulated. With regard to the Independent Members, it was confirmed that their personal contact details need not be included on the website.

**RESOLVED:**

***That the proposals for inclusion on the Council's website be approved.***

SC/11. **REGISTER OF INTERESTS**

It was reported that all District Councillors had recently been requested to review their existing entries in the Register of Members' Interests and either confirm that there were no amendments and the information was correct, or to complete a new form, as appropriate. During the course of the last year, several Members had made ongoing amendments to their entries, as appropriate. With regard to Parish Councillors, a similar letter had been sent to Parish Clerks advising them to undertake the same action outlined above in respect of their Councillors.

It was noted that Members had an ongoing obligation to keep their Register of Interests updated and failure to do so would constitute a breach of the Code of Conduct.

**RESOLVED:**

***That details of the monitoring undertaken on the Registers of Interest for District and Parish Councillors since the last Meeting be noted.***

SC/12. **TRAINING**

It was reported that following the previous sessions on ethics and probity provided to Parish Councils in association with the Derbyshire Association of Local Councils, the Monitoring Officer had responded to individual requests from Barrow-on-Trent and Findern Parish Councils by addressing Meetings of these parishes on 5th April and 12th May 2005 respectively. Training sessions had also been held for District Councillors on the yearly Planning

Update on 5th July 2005 and on the Liquor Licensing function (now transferred to the responsibility of the Local Authority) on 13th July 2005.

A further Meeting had recently been held with the nominated Member from each of the two political groups together with the Council's Training and Development Officer to progress Members' training needs.

It was suggested that, subject to the availability of the necessary resources, the new Independent Members on the Committee should be provided with an induction session in due course. In addition, it was recognised that if the Council was requested to conduct a Hearing, there would be a need to provide a refresher session for Members on the procedure.

**RESOLVED:**

***That details of the training sessions provided to District Councillors and Parish Councils be noted.***

SC/13. **WORK PROGRAMME – TIMETABLE FOR 2005/06**

The Committee received details of the work programme for proposed Meetings in October 2005 and January and April 2006.

**RESOLVED:**

***That the future work programme be noted.***

D. R. WILLIAMS

CHAIR

The Meeting terminated at 6.30 p.m.