

STANDARDS COMMITTEE

28th May 2008

PRESENT:-

District Council Members

Councillors Bale (Conservative Group) and Mrs. Mead (Labour Group).

Parish Council Members

Mr. K. J. Fairbrother (Castle Gresley) and Mr. K. Overton (Willington).

Independent Members

Mr. P. Dawn, Mr. R. Pearson, Mr. P.B. Purnell, Mr. T. Thompson and Mr. D.R. Williams.

District Councillor Mrs. Hood also attended the Meeting.

SC/1. **APPOINTMENT OF CHAIRMAN**

RESOLVED:-

That Mr. D.R. Williams be appointed Chairman of the Committee for the ensuing year.

SC/2. **APOLOGIES**

Apologies for absence from the Meeting were received from District Councillor Harrison (Conservative Group) and Mrs. C. Barker (Barrow-on-Trent Parish Council).

SC/3. **APPOINTMENT OF VICE-CHAIRMAN**

RESOLVED:-

That Mr. P. Dawn be appointed Vice-Chairman of the Committee for the ensuing year.

SC/4. **MINUTES**

The Open Minutes of the Meetings held on 12th and 26th November 2007 were taken as read, approved as true records and signed by the Chairman.

SC/5. **LOCAL ASSESSMENT FROM 8TH MAY 2008 – IMPLEMENTATION ISSUES**

The Committee received a report on the Local Assessment of Complaints regime, which had been operative from 8th May 2008. In particular, the report highlighted the implementation issues and documents to be used in the process.

With the new Local Assessment regime becoming operative from 8th May 2008, a press notice had been issued to appear in the local newspaper and this had also been placed on the Council's website. In addition, it was felt appropriate to devise a complaint form that members of the public may wish

to use to ensure that the Standards Committee obtained all the relevant information and avoided any delays in considering the matter.

The Terms of Reference for the three Sub-Committees established by Full Council on 22nd May 2008 (Initial Assessment, Review and Hearing) were attached to the report. The Initial Assessment Sub-Committee would have to meet on a regular basis. There was a general practice requirement from the Standards Board for England to deal with the matter within an average of 20 working days. If further information was required from the complainant, the time period would stop and only restart when the requested information had been provided. If it was not provided, the complaint was likely to be dismissed by the Initial Assessment Sub-Committee.

In terms of the various decisions available to the Initial Assessment and the Review Sub-Committees, several documents to be used for acknowledgement and decision notices at various stages were attached. All of these documents would need to be kept under review and it was suggested that the Standards Committee could delegate this authority to the Monitoring Officer in the light of experience.

Complainants would be advised to approach the Monitoring Officer before submitting any written complaints, and general guidance would be offered to potential complainants to help them understand the process involved. In the event that they submitted a written complaint, the matter would be considered by the Initial Assessment Sub-Committee.

RESOLVED:-

- (1) That the various documents to be used in the process be approved and the Monitoring Officer be authorised to review and amend these if necessary, in the light of experience.***
- (2) That the three Standards Sub-Committees established in respect of Initial Assessment, Review and Hearing, as per the Terms of Reference attached to the report, be noted.***
- (3) That the Assessment Criteria as set out in the Standards Board for England Guidance be adopted and a further report be submitted to the Committee in respect of any necessary review to the criteria.***

SC/6. **LOCAL CODE OF CORPORATE GOVERNANCE**

The Committee received a report on the revised 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 revised Local Code of Corporate Governance.

During 2005, the Council carried out a review of its corporate governance arrangements, relying on CIPFA/SOLACE guidance entitled “Corporate Governance in Local Government”. This resulted in the Council’s Local Code of Corporate Governance being adopted by the Council on 11th August 2005. The document set out and described those principles and identified the arrangements that had been made, and would continue to be made to

achieve the principles of good corporate governance in all aspects of the Council's work.

Corporate governance in local government was the system by which a Council directed and controlled its functions and related to its community. Good corporate governance was essential in demonstrating that there was creditability and confidence in the public services provided. Sound arrangements were founded upon openness, integrity and accountability, together with the over-arching concept of leadership. The Local Code of Governance was a single document that aimed to serve as a management tool for reviewing and monitoring existing corporate governance arrangements, ensure that evidence about governance arrangements was available and help develop plans for improving arrangements for corporate governance. Further CIPFA/SOLACE guidance had recently been issued and the Council had made use of six core and supporting principles to assess governance arrangements. A revised Local Code of Corporate Governance, based on these principles was attached to the report and was basically a summary of the Council's commitment to high standards of corporate governance.

In May 2008, the corporate group of senior officers met and would continue to do so on a six monthly basis to assess the Council's governance arrangements. The group carried out an assessment against the CIPFA/SOLACE checklist by assessing the documents/processes and other means used to measure compliance with the six supporting principles. The self-assessment provided evidence of how the Council had fulfilled, or intended to fulfil its commitment to high standards of corporate governance, and established the Council's baseline position regarding compliance with the six principles. A report of the self-assessment was also attached to the report.

It was suggested that the Standards Committee and the Audit Sub-Committee should receive half yearly reports on progress relating to compliance with the six core principles. This would help ensure that the Standards Committee had a pivotal role in promoting and maintaining high standards of conduct throughout the authority, whilst the Audit Sub-Committee would oversee and monitor arrangements for complying with corporate governance issues, including approving the Annual Governance Statement.

RESOLVED:-

- (1) That the Council be requested to adopt the revised Local Code of Corporate Governance attached to the report.***
- (2) That the Audit Sub-Committee and this Committee carry out half yearly reviews on progress on achieving the action points set out in Annexe 'B' to the Local Code of Corporate Governance.***
- (3) That the Council be requested to approve that the Chief Executive be responsible for implementing the Code and monitoring the Council's performance against the commitments set out in it, in consultation with the Leader of the Council.***

SC/7. ANNUAL REPORT 2007/08

Members received a copy of the Annual Report of the Committee for 2007/08, which was the fourth Annual Report produced. This had been prepared in consultation with the Chairman and Vice-Chairman of the Committee and had been submitted to the Full Council on 22nd May 2008. The report would be placed on the Ethical Framework website to assist in raising public awareness of standards and the profile of the Committee.

RESOLVED:-

That the Annual Report of the Committee for 2007/08 be approved and confirmed.

SC/8. SEVENTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES – 13TH AND 14TH OCTOBER 2008

It was reported that the Seventh Annual Assembly of Standards Committee would be held at the ICC Birmingham on 13th and 14th October 2008. The previous Annual Assemblies had been attended by the Chairman of the Committee together with the Monitoring Officer and the Democratic Services Manager. The conference was seen as an opportunity to develop strong partnerships with all stakeholders through opening up channels of communication and sharing information and experience. Attendance at the conference and associated events was felt to be extremely important, giving the opportunity to network with other authorities and to assimilate and implement best practice.

The Chairman of the Committee felt that as he had attended every previous Annual Assembly, it would be useful for another Member to have the benefit of attending this year's event.

RESOLVED:-

That Mr. P. Dawn (Vice-Chairman) be nominated to attend the Annual Assembly on 13th and 14th October 2008.

SC/9. COMPLAINTS REFERRED BY THE STANDARDS BOARD FOR ENGLAND

Two complaints referred to the Council by the Standards Board for England were outlined to the Committee. The first complaint related to an allegation that a Parish Councillor had breached the Code of Conduct by failing to treat others with respect during a Parish Council Meeting. The second complaint related to an allegation that a Parish Councillor had breached the Code of Conduct by making a disrespectful comment during a Parish Council Meeting and also by failing to declare a prejudicial interest in the award of a contract during another Parish Council Meeting.

Due to earlier advice provided on these matters prior to the complaints, both cases had been outsourced to external solicitors through the East Midlands Lawshare Consortium, who would act on behalf of the Council in undertaking the investigation and producing a report of the findings, together with attendance at a Standards Committee to present the report. Fixed fees had been agreed with the solicitors, which could be contained within existing budgets.

RESOLVED:-

That the report be noted.

D. R. WILLIAMS

CHAIRMAN

The Meeting terminated at 6.35 p.m.