

STANDARDS COMMITTEE

Minutes of the meeting held on Wednesday, 11 June 2008, at Town Hall, Royal Leamington Spa at 6.00pm.

PRESENT:

Councillors: Gifford, Mrs McFarland and Tyrrell.

Independent representatives: Venerable M Paget-Wilkes and Mr C Purser.

Parish and Town Council representative: Councillors; Mrs Gordon, Polgreen, Singh and Smart.

Apologies for absence were received from Councillors Guest, Mrs Knight and Heath.

153. APPOINTMENT OF CHAIR

RESOLVED The Venerable Michael Paget-Wilkes was appointed as Chair of the Committee for the ensuing municipal year.

On appointment The Venerable Michael Paget-Wilkes announced that he would be stepping down from the Committee at the end of the municipal year.

154. DECLARATIONS OF INTEREST

There were no declarations of interest.

155. MEMBERS' REGISTER OF FINANCIAL AND OTHER INTERESTS UNDER THE MANDATORY CODE OF CONDUCT

The register of Members Financial and Other Interests was made available for inspection by the Committee.

In addition the Committee decide that they only wished for these to be made available for inspection annually at the Committee as they appreciated they could be inspected at anytime either via the Warwick District Council website or at Riverside House.

RESOLVED that in future these declarations only be made available annually at the Committee.

156. NEW CODE OF COPORATE GOVERNANCE

The Committee considered a report from the Strategic Director (Living, Lifestyles & Resources) that set out the Annual Governance Statement for 2007-08 describing the governance arrangements that were in place for 2007-08.

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The Annual Governance statement was due to be signed off by the Chief Executive and Leader of the Council after consideration of this Committee and confirmation of the document by Council on 25 June 2008.

The new CIPFA/SOLACE governance framework required an annual governance statement and replaces the Statement of Internal Control with effect from 1 April 2007.

Internal control - "A process established by management to provide reasonable assurance that organisational objectives will be achieved". Its purpose was to provide assurance to management about:

- effectiveness of operations
- economical and efficient use of resources
- compliance with policies, procedures, laws and regulations
- safeguarding of assets and interests from losses of all kinds, including those arising from fraud, irregularity or corruption; and
- integrity of information, accounts and data.

The Audit & Resources Overview & Scrutiny Committee were responsible for internal control during 2007/08.

Corporate Governance was a much wider concept than internal control. Corporate Governance was everyone's business and defined by the Audit Commission as "Ensuring the organisation is doing the right things, in the right way, for the right people, in an open, honest, inclusive and timely manner".

The Audit & Resources Scrutiny Committee considered a report on "Review of effectiveness of internal Audit on 3 June 2008, which was pertinent to the Annual Governance Statement. The minutes of this item at Audit & Resources Scrutiny Committee were circulated at the meeting for the Committee to take into consideration.

The report included detail of the evidence used in the preparation of the statement, and a recommendation was made on a communication plan for Governance. An action plan was appended to the report detailing the areas where an improvement in governance was required and how it could be achieved.

RESOLVED that

- (1) the Annual Governance Statement for Warwick District Council be agreed subject to a few minor corrections highlighted at the meeting which would be corrected before being submitted to Council;
- (2) the action plan be amended to reflect the Governance Statement to include of a specific target regarding communication with hard to reach groups;

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- (3) this Committee undertakes a review of the action plan on a six monthly basis and when it returns to the Committee a column is included indicating how work on the actions has progressed;
- (4) the Code of Corporate Governance only be considered Annually by this Committee in November starting in November 2008;
- (5) the Communication Plan be approved as set out and as part of the statement next year the Committee requested details be included on how well the Communication Plan for Corporate Governance had worked;
- (6) the revised Code of Corporate Governance be approved;
- (7) the internal audit annual report and the statement of the Head of internal Audit, along with the comments of the Audit & Resources Scrutiny Committee, be noted; and
- (8) when the next reminder to Councillors (including Parish 7 Town Councillors) is issued about updating their financial declaration of interest forms guidance is provided on what should and should not be included on the form

157. INDEPENDENT REPRESENTATIVES

The Committee considered the current job description of the Independent Representatives on the Committee with a view to using it for the recruitment of two further independent members to the Committee.

During the debate the Committee discussed the appointment process and the focus of the advertisement for the roles.

It was felt that it would be best for the interview Panel to comprise of the Committee Chair and the Monitoring Officer.

The Committee also debated the inclusion of wording to help clarify how to ensure that applicants were independent from the Council.

The Committee made some revisions to the proposed Job Description to make it more enticing and asked for it to be revised and delegate its approval to the Monitoring officer in liaison with the Chair of the Committee.

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RESOLVED that

- (1) the suggested amendments to the job description, be made and approval of the revised document be delegated to the Monitoring Officer in consultation with the Committee Chair; and
- (2) in addition to the two vacancies being filled, if possible, a substitute be appointed who could become a full member of the Committee on the retirement of Ven Michael Paget-Wilkes.

158. PROCESS FOR HEARINGS ON CODE OF CONDUCT COMPLAINTS AND DISPENSATION APPLICATIONS

The Committee considered a report from Legal Services that sought confirmation of the process for hearings on Code of Conduct complaints and dispensation application to ensure they are formally agreed following revisions during recent training sessions.

The Standards Board for England published "*Standards Committee determinations; Guidance for monitoring officers and Standards Committees*" in July 2003. That guidance remained relevant to the general conduct of the Committee when dealing with determinations. This applied to both local determinations and determinations after they have been remitted to the Standards Committee by the Standards Board for England.

A number of changes in the standards environment had occurred over the last year, and a number came into force in the last few months. Training materials had been designed by the Standards Board for England and these had been used by the Committee in training exercises.

Although the training materials were reasonably comprehensive the guidance in "*Standards Committee determinations; Guidance for monitoring officers and Standards Committees*" from 2003 remained relevant. It was possible to design a checklist to remind those present at a determination to follow the process recommended by the 2003 publication. This had been tested in a training exercise by the committee. The Standards Board for England had supplemented the 2003 publication with a diagram, attached at appendix 1 to the report, that set out the process that summarised the procedure for local determinations.

Dispensation applications were less common, and more difficult to predict. There were no training materials published by the Standards Board for England on this subject. A training exercise based on a genuine dispensation application known to the Monitoring Officer had provided the committee with the opportunity to consider how it would like to handle dispensation applications. A process diagram in the same style as that of the local determination process described by Standards Board for England had been designed and was attached at appendix 2 to the report along with a checklist to assist the committee in its determinations.

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The Committee would use other materials including its own guidance notes and materials as would be necessary from time to time. The process diagrams and checklists attached to this report were intended to provide a summary of both process and procedure for those interested in the work of this Committee.

The Monitoring Officer circulated additional information at the meeting setting out the process for Code of Conduct hearings and roughly what these would look at.

RESOLVED that

- (1) the content of the report and the processes within it be noted;
- (2) the process and guides outlined within the report be adopted as those this Council would use for Code of Conduct hearings and Dispensation applications;
- (3) the membership of the panels to consider matters be delegated to the Monitoring Officer, anybody appointed to act as their deputy in liaison with the Chair of the Committee;
- (4) when appointing members of this committee to panels, considerations is given, when possible, to ensuring each member gets the opportunity to participate in the different stage of the process for different hearings;
- (5) a basic principle of having 3 members of this Committee for the assessment hearing, 5 for the determination and 3 for the appeal stage, be agreed; and
- (6) at each stage of consideration of a case the panel is chaired by an independent representative, who had not previously considered the case.

159. APPOINTMENT OF VICE-CHAIR

Following discussion during the previous item the Committee considered it would be prudent to appoint a Vice Chair for the Committee to deputise for the Chair of the Committee in their absence. For this reason the Chair agreed to take this as an urgent item.

RESOLVED that

- (1) Mr Chris Purser be appointed as Vice Chair of the Committee for the ensuing municipal year; and

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- (2) those matters delegated to the Chair of the Committee be delegated to the Vice-Chair in the absence of the Chair.

160. STANDARDS COMMITTEE TRAINING

The Committee discussed their training requirements but felt that at present there was no need for further training.

However there was a need for those members of the Committee who had not undertaken the training to be trained as soon as possible and asked the Monitoring officer to progress this.

It was also considered important that the new Independent representatives were trained as soon as possible after appointment.

RESOLVED that the Monitoring Officer contacts those members of the Committee who require training on the Code of Conduct hearings and dispensation applications to arrange training as soon as possible

161. WORK PLAN

The Committee considered the suggested work plan for the ensuing municipal year.

RESOLVED that

- (1) the work plan was agreed subject to the appointment of Parish/Town Council representatives being removed from July, along with the training session for November; and
- (2) the following amendments to meeting dates were also made:

24 September meeting was moved to 25 September; and
5 November meeting was moved to 11 November

(The meeting ended at 7.35pm)