

Report of: The Monitoring Officer

To: The Standards Committee

Date: 8th June 2007

Item No:

Title of Report : End of Year Report May 2006 – May 2007

Summary and Recommendations

Purpose of report: To summarise the work of the Standards Committee during the period June 2006 to May 2007.

Key decision: No

Portfolio Holder: N/A

Scrutiny Responsibility: N/A

Ward(s) affected: All

Report Approved by

Legal: Jeremy Thomas, Head of Legal and Democratic Services

Finance:

Policy Framework: N/A

Recommendation(s): That the report be presented on behalf of the Committee to Council on 25th June 2007.

Purpose of Report

1. This is a draft of a report, which is proposed will be presented to Council on 25th June 2007. Producing an annual report setting out the role and work of the Committee each Council year represents good practice.
2. It is proposed that this report will be presented as being from the Committee. The Chair has had sight of an early draft and made useful amendments. The Committee is asked to consider whether it wishes to make any amendments and then to approve the report for presentation to Council on 25th June 2007.

Introduction

3. The general functions of the Standards Committee are to promote and maintain high standards of conduct by Members and co-opted Members and assist Members and co-opted Members to observe the authority's Code of Conduct.
4. The Committee has specific responsibility for advising the Authority on the adoption or revision of a code, monitoring the operation of a code and advising, training or arranging to train Members and co-opted Members in respect of the Code.
5. The remit of the Committee, which is wider than many other Standards Committees, also includes the monitoring of the Members Register of Interests, Ombudsman complaints, corporate complaints and whistleblowing.
6. The Committee has had a active year in exercising these functions. This report sets out the membership of the Committee and summarises the work carried out over the period June 2006 to May 2007.

Membership of the Committee

7. Membership of the Committee for the year was approved at the Annual Council meeting on 18 May 2006. John Lay (Independent Chair), Chris Turner and Professor Diana Woodhouse were appointed as Independent Members. John Batey was appointed as the Parish Council representative together with Councillors Hollander, Sanders, Dhall, and Craft. Councillor Sargent also joined the Committee in March 2007.
8. Due to other commitments, Professor Diana Woodhouse and John Batey resigned during the year. The Committee thanks them both for their hard work and commitment during their time on the Committee.
9. At its recent meeting, the Council made only one change to the elected membership of the Committee. Councillor Kent will take over from Councillor Craft for the coming year. The Committee is pleased that there

will be relative continuity in its elected membership.

10. There are currently vacancies for one independent member and one Parish Council representative. The Committee will be advertising for an independent member in the near future. The Parish Councils have been contacted in relation to the appointment of a new Parish Council representative.
11. The Committee continues to be well supported by the Monitoring Officer and the Democratic Services Manager.

Complaints Monitoring and Investigations

Code of Conduct Complaints

12. Complaints of alleged breaches of the Members Code of Conduct are initially referred to the Standards Board for England. The Standards Board assesses the nature and seriousness of the allegations and makes a judgement as to whether they should be investigated. Allegations to be investigated are referred to an Ethical Standards Officer who, following the investigation, may find that there is no evidence that a Member has failed to follow any part of the Code; no action needs to be taken in relation to the matters investigated; the matter should be referred to the Standards Committee of the relevant local authority for local determination; or the matter should be referred to the Adjudication Panel for England. Ethical Standards Officers may also refer allegations to the relevant Monitoring Officer for investigation locally.
13. In the last year, 4 complaints have been made to the Standards Board about Members of Oxford City Council. Two of these complaints related to breaches of the Code through conduct at Area Committee meetings and one alleged a failure to declare a personal interest and withdraw from a meeting.
14. In two cases, the Standards Board for England found that there was no evidence that the Members concerned had failed to follow any part of the Code and did not refer them for investigation. One complaint was referred to an Ethical Standards Officer who found that there was no evidence that the Member concerned had failed to follow any part of the Code.
15. The remaining complaint has been referred to an Ethical Standards Officer for investigation. The Committee is currently awaiting the outcome of that investigation.
16. No complaints have been referred to the Authority for local determination or investigation. The absence of any breaches of the Code reflects well upon the Membership of the Authority. Maintaining those high standards of conduct, must however, remain a central consideration for all Members.

17. The Local Government and Public Involvement in Health Bill includes proposals to change the Ethical Governance Framework of Local Government. One of the proposed changes is that allegations against Members will initially be made to the Standards Committee rather than to the Standards Board for England. Under these "local filter" provisions, the Standards Committee will be required to assess allegations and decide either that no further action is required; or the matter should be referred to the Monitoring Officer for investigation; or that the matter should be referred to the Standards Board for England.
18. The Committee has expressed concern on the grounds of time, cost, consistency of approach and increase in workload for both the Committee and the Monitoring Officer and his staff.
19. The Bill is currently going through the House of Lords, therefore the above proposals are subject to safe parliamentary passage. However, the Committee remains of the view that the introduction of the local filter is a retrograde step. Whilst the Committee support in general the local determination of complaints, the initial consideration of complaints is most efficiently and consistently done at a national level by the Standards Board for England.

Corporate Complaints

20. As part of its monitoring role and in seeking to ensure high standards of governance, the Committee also considered quarterly reports relating to the Corporate Complaints received. This included consideration of the Authority's response to those complaints.
21. In some instances, the Committee requested further detail/explanation in relation to some of the information reported. Where appropriate the Committee made recommendations to the Authority as to how the number of complaints may be reduced and how complaints of a particular type might be avoided in the future. The Committee has found that the regular reporting of complaints to the Committee, together with clearer guidance issued to Officers, has improved the process.

Ombudsman Investigations

22. The Committee is also responsible for monitoring the Authority's handling of Ombudsman investigations where there is found to be maladministration. In 2006-07, the Ombudsman found maladministration in two cases, which related to complaints about the Authority's housing management and the planning service respectively. The Committee considered the final report of the Ombudsman in each case.
23. Following the outcome of these investigations, the Committee ensured that the Ombudsman's recommendations were carried out and that officers were given the necessary training to assist the implementation of those recommendations.

New Model Code of Conduct

24. Work on the introduction of a new Model Code of Conduct for Members has been ongoing for a few years. In 2005 the Standards Board for England conducted a review of the Model Code of Conduct, which included consultation with Local Authorities. This Committee took the opportunity to comment upon that consultation. The Standards Board reported the outcome of their review exercise and made recommendations for change to the Government. Subsequently, the Government issued a discussion paper on the future conduct regime for local government in England and more recently in January 2007, a consultation paper on a draft Model Code of Conduct. The Committee submitted a detailed response to that consultation paper in March 2007.
25. The new Model Code of Conduct was laid before Parliament on 4th April 2007 and is capable of being adopted by local authorities from 3rd May 2007. The Authority must adopt the new Code by 1st October 2007. This is the subject of a separate report to Council. That report sets out a provisional programme of training on the Authority's new Code for all Members. The Committee is concerned that all Members attend at least one training session on the new Code and have recommended this to Council accordingly.

Training

26. The Chair attended the 5th Annual Assembly of Standards Committees in Birmingham in October 2006 with the Monitoring Officer. The focus of the conference was related to the (then) forthcoming White Paper on Local Government.
27. In addition to this, all members of the Committee, attended training on conduct in particular relating to issues of bias; pre-disposition and pre-determination; personal and prejudicial interests; the application of the Member Code of Conduct and the procedures for local hearings.
28. The Independent Members of the Committee have regularly attended at the Independent Members' Forum, which comprises the Independent Members from the Berkshire, Wiltshire and Oxfordshire Standards Committees. The Forum is often attended and addressed by senior officers of the Standards Board for England. The Forum provides a useful opportunity for its members to share and discuss issues facing Standards Committees such as the introduction of the new Model Code of Conduct and to benefit from training opportunities that the Forum may provide.
29. Additionally, in April 2007 the Authority presented two workshops on ethics and probity as part of the Member Development Programme, to which all Members were invited to attend.

Conclusion

30. The Committee will continue to maintain its active role in ensuring the promotion and maintenance of high standards of conduct within the Authority.
31. The Committee will be particularly focused on the introduction of the new Model Code of Conduct and ensuring that all Members receive the required training.
32. The Committee will continue to monitor the progress of the Local Government and Public Involvement in Health Bill in relation to the introduction of the local filter arrangements and may have to report to Council regarding the resources required to properly implement the provisions.

Recommendation

33. That the report be presented on behalf of the Committee to Council on 25th June 2007.

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Background papers: None