

**Report of:** Head of Legal And Democratic Services

**To:** Standards Committee

**Date:** 24<sup>th</sup> April 2008

**Item No:**

**Title of Report :** End of Year Report May 2007 – May 2008

### **Summary and Recommendations**

**Purpose of report:** To enable the Committee to consider and approve the draft End of Year Report 2007 – April 2008

**Key decision:** No

**Portfolio Holder:** N/A

**Scrutiny Responsibility:** N/A

**Ward(s) affected:** All

#### **Report Approved by**

**Legal:** Jeremy Thomas

**Finance:** Sarah Fogden

**Policy Framework:** N/A

**Recommendation(s):** That the Committee consider the draft End of Year Report May 2007 – April 2008, make any amendments and approve the report for presentation to Council on 30<sup>th</sup> June 2008.

### **Purpose of Report**

1. It is proposed that the attached draft End of Year Report will be presented to Council on 30<sup>th</sup> June 2008. Not only does producing an annual report setting out the role and work of the Committee each Council year represent good practice, the Committee will shortly be required to provide similar reports to the Standards Board for England.

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.

**Recommendation**

3. The Committee is asked to consider whether it wishes to make any amendments and then to approve the report for presentation to Council on 30<sup>th</sup> June 2008.

**Name and contact details of author:** Helen Lynch, Legal and Democratic Services, ext. 2806.

**Background papers:** None

**Report of:** Standards Committee

**To:** Council

**Date:** 30<sup>th</sup> June 2008

**Item No:**

**Title of Report :** End of Year Report May 2007 – April 2008

### Summary and Recommendations

**Purpose of report:** To summarise the work of the Standards Committee during the period May 2007 to April 2008.

**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:** Sarah Fogden, Business Manager, Finance & Asset Management

**Policy Framework:** N/A

**Recommendation(s):** That Council notes the report

### **Introduction**

1. 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.
2. The Committee has specific responsibility for advising the Authority on the adoption or revision of a code (e.g. the Member Code of Conduct, the Planning Code of Conduct etc), monitoring the operation of a code and advising, training or arranging to train Members and co-opted Members in

respect of a Code.

3. 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 the whistle-blowing policy.
4. The Committee has had an active year in exercising these functions. This report sets out the membership of the Committee and summarises the work carried out over the period May 2007 to April 2008.

### **Membership of the Committee**

5. Membership of the Committee for the year was approved at the annual Council meeting on 10 May 2007. John Lay (Chair) and Chris Turner (Vice-Chair) were appointed as Independent members. Councillors Dhall, Hollander, Kent, Sanders and Sargent continued as the elected members of the Committee.
6. At the Council meeting on 19 November 2007, Littlemore Parish Councillor Fred Mogridge was appointed as the Parish Council representative. Chris Ballinger, Meryll Dean and Martin Gardner were appointed as Independent members. Anne Gwinnett was appointed to hold a "watching-brief" until 1 June 2008 when she will become an Independent member. The membership of the Committee has been increased so that the Committee is able to deal with the new local-filter arrangements expected to come into effect in May 2008. (These are referred to in more detail below).
7. The Committee continues to be supported by the Monitoring Officer and the Democratic Services Manager.

### **Complaints Monitoring and Investigations**

#### **Code of Conduct Complaints**

8. 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:

- i) there is no evidence that a Member has failed to follow any part of the Code;
- ii) no action needs to be taken in relation to the matters investigated;

iii) the matter should be referred to the Standards Committee of the relevant local authority for local determination; or

iv) the matter should be referred to the Adjudication Panel for England.

v) Ethical Standards Officers may also refer allegations to the relevant Monitoring Officer for investigation locally.

If a matter is referred for local determination, the relevant authority can make one of 3 findings:

i) that the Member concerned did not fail to comply with the Code of Conduct;

ii) that the Member concerned failed to comply with the Code but that no further action needs to be taken in respect of the matters considered by the Committee;

iii) that the Member concerned failed to comply with the Code and that sanction should be imposed

9. The Committee's last annual report referred to one complaint against 2 members of the authority, which was being investigated by an Ethical Standards Officer. The complaint alleged that there had been a failure to treat others with respect; the Authority had been brought into disrepute; and that the Members concerned had improperly secured advantage/disadvantage. The outcome of the investigation by the Ethical Standards Officer was that the Code had not been breached and no further action needed to be taken.

10. In the last year, one complaint has been made to the Standards Board for England. An Ethical Standards Officer is currently investigating the allegation and the Committee will consider the outcome once it is reported by the Standards Board. Depending on the outcome of the investigation, the Standards Committee may be required to hold a hearing in respect of the complaint.

11. The low number of complaints reflects well upon the Membership of the Authority. However, Members must continue to maintain those high standards of conduct.

#### **"Local-Filter" Arrangements**

12. The recent Local Government and Public Involvement in Health Act 2007 provides for a change in the way complaints against Members are dealt with. In future the allegations against Members will initially be made to the Standards Committee rather than 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, if the matter is sufficiently serious, that the matter should be referred to the Standards Board.

13. The relevant provisions of the Act and associated Regulations are expected to come into force in May 2008. As outlined above, the Committee has increased its membership to be able to deal with the "local-filter" arrangements and the anticipated increased workload. The Committee also considered whether to enter into joint working arrangements with the other Oxfordshire authorities to ensure that there are sufficient resources for the investigation and determination of allegations. For the moment, the Committee will not be pursuing such arrangements but they remain an option for the future.
14. Earlier this year, the Committee considered the Government's consultation document on the "Local-filter" arrangements and provided a detailed response. At the time of the writing, the regulations required to implement the arrangements have not been published, notwithstanding the Government's intention that the arrangements should come into effect on 1<sup>st</sup> May 2008. The Committee will seek to ensure that appropriate publicity arrangements are put in place once the regulations are introduced.

### **Corporate Complaints**

14. As part of its monitoring role and in seeking to ensure high standards of governance, the Committee has continued to monitor the number of corporate complaints received. This included consideration of the Authority's response to those complaints.
15. 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.
16. The complaints handling process is generally operating well. However, there is a lack of consistency of approach. Following the completion of the management restructure, the Chief Executive will conduct an audit of the practical operation of the complaints process. The Committee looks forward to hearing the outcome of the audit.

### **Ombudsman Investigations**

17. The Committee is also responsible for monitoring the Authority's handling of Ombudsman investigations. The Committee is kept up to date with all complaints referred to the Ombudsman and where appropriate makes recommendations or suggestions for dealing with such complaints. In 2007-08, there have been no findings of maladministration against the

Authority.

### **New Model Code of Conduct**

18. The new model Code of Conduct was adopted by Council on 25 June 2007 and came into effect on 1 July 2007.
19. The Monitoring Officer carried out 11 training sessions on the new Code. A total of 125 people attended the training, including members of the Committee, elected Members, Parish Councillors and members of staff. Only 6 elected Members did not receive training. The Committee would remind all Members of the importance of attending such training sessions.
20. The Government has signalled its intention to again review the Members' Code of Conduct but the timetable for that review is yet to be announced.

### **Training**

21. At its meeting in June 2007, the Committee watched a training DVD on the new model Code of Conduct, produced by the Standards Board for England.
22. The Chair and the Monitoring Officer attended the 6<sup>th</sup> Annual Assembly of Standards Committees in Birmingham in October 2007. The main focus of the conference was related to the introduction of "local-filter" arrangements referred to above.
23. In March 2008, the Oxfordshire authorities arranged a joint training session on "Handling Standards Complaints" and the initial assessment of allegations for all Standards Committee Members throughout the County. The session was well received, with over 100 people attending, including 3 Members of the Committee and 4 Officers.
24. The Independent Members of the Committee have continued to attend 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 'local filter' arrangements and to benefit from training opportunities that the Forum may provide.

### **Conclusion**

25. The Committee will continue to maintain its active role in ensuring the promotion and maintenance of high standards of conduct within the Authority.

26. The Committee will continue to provide and promote training for all Members of the Council.

27. The Committee will continue to facilitate and monitor the introduction of the local filter arrangements and may have to report regarding the resources required to properly implement the provisions.

28. The Committee will review the Corporate Complaints Procedure.

### **Recommendation**

29. That Council note the report.

**Name and contact details of author:** Helen Lynch, Legal and Democratic Services, ext. 2806.

**Background papers:** None

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