

To: Standards Committee

Date: 4th December 2009

Item No: 11

Report of: Head of Legal and Democratic Services

Title of Report: COMMITTEE EFFECTIVENESS AND PROFILE

Summary and Recommendations

Purpose of report: The Committee's work programme provides for it to consider its effectiveness and profile at this meeting. This report does that. It uses in part the matters covered at the meeting between the Chair and Vice-Chair of the Committee and the Leader and Chief Executive.

Report Approved by:

Finance: N/A

Legal: Jeremy Thomas

Policy Framework: Not applicable

Recommendation(s): The Committee is being asked, in the light of its September 2008 decision (paragraph 7 of this report refers), whether it now considers that its profile should be raised, and depending upon that decision, to note officers' intentions in respect of learning points from assessment panels (paragraphs 3 and 5 of this report refers); to comment upon the remarks on assessment panels, the Annual Report and the work programme (paragraphs 6(a) – (c) of this report refer); in the light of officers' oral advice, indicate how it wishes to proceed on the possible adjustment of powers and duties (paragraph 8 of this report refers); and to offer any other ideas on effectiveness and profile.

1. The Committee's work programme provides for it to consider its effectiveness and profile at this meeting. The Committee's powers and duties form Annex 1 to this report. Three reports elsewhere on this agenda (agenda items 6, 9 and 10) raise issues that need to be addressed in this report.
2. The Committee in effect considered its effectiveness and profile on 5th September 2008. That report looked at the overlap and responsibilities of this Committee, the Audit Committee and the Scrutiny Committees /

scrutiny function. The Committee decided to note the position, namely that there was no direct overlap, in relation to Scrutiny Committees. Its decisions on its relationship with the Audit Committee are dealt with later in this report. Its decisions on profile-raising were as follows:-

On the matter of raising the Committee's profile (paragraph 7 (c) of the report refers), not to take action to raise the profile of the Committee as an exercise in itself but to:-

- (a) *Ask the Head of Legal and Democratic Services to ensure that members understood the Committee's role;*
- (b) *Make sure that work of significance carried out by the Council was pro-actively brought to general attention.*

3. The report on this agenda on assessment panel analysis says that from that exercise two things can be learnt. One is of direct relevance to effectiveness and profile. The report extract is set out below:-

That when the next Code of Conduct training is undertaken, officers ought specifically to address in that training matters of failure to treat others with respect; bringing the office (of councillor) or the authority into disrepute; and the need for members to be aware of interests in items on agenda and to declare them at meetings, and what this then means in terms of their ability to deal with matters at meetings. Officers will prepare training along these lines and research Standards cases that illustrate the point.

I confirm that the matters referred to in this extract, and any other common Code breaches that may emerge between now and member training in June following the local elections, will be specifically addressed in that training.

4. The report on this agenda on Code of Conduct and other training presents a generally satisfactory conclusion to the "mandatory training" exercise. Once such training has become embedded (i.e. once members know and accept that regular refresher training on the Code and on planning and licensing, is beneficial and essential), and that this Committee fully supports such training, then the Committee can be considered successfully to have achieved on its duty to arrange training on the Code (item (c) in the Committee's powers and duties).
5. The Committee is in fact responsible for advising and arranging training on "all aspects of" the Code. So for example, the outcomes of assessment panel hearings, whatever the decisions, act as pointers to training and advice needs. This is referred to in the report at agenda item 10 and in paragraph 3 of this report.

6. The report on the meeting in October with the Leader and Chief Executive deals with a number of effectiveness and profile issues:-

(a) Assessment Panels

Officers need to do some work on explaining to members the work of the Committee in this regard, and to review the procedures followed. There are some constraints in terms of procedures that are set by Standards for England and the law, but local authorities do have some leeway in their arrangements.

(b) Annual Report

This needs to be looked at to see how it can better be delivered to members, and members made aware, through the report, of the work of the Committee. Simply putting the report on the agenda for full Council, to be “nodded through” at the end of perhaps a long Council meeting is probably not the best way to advise members of Council of the work and activities of the Committee. Presented in this way does not “raise the profile” of the Committee. Officers will look at what might be done. Does the Committee have any suggestions?

(c) Committee’s Annual Work Programme

This might be presented to Group Leaders in draft to see if they or they Groups had anything they wanted the Committee specifically to address.

7. In terms of raising the profile (and thus making the Committee more effective) what might perhaps be done is to have a dedicated web page for Standards matters. What might also be done is for an easy to understand “newsy” summary of the business transacted by Standards Committee meetings to be issued to all members after each meeting, perhaps included in the internal ‘Management Matters’ publication. And the Standards for England periodic bulletins might also be distributed to members (probably with a covering note by officers drawing members’ attention to particular items in the bulletin and explaining their significance). In fact these matters were referred to in the September 2008 report. The Committee’s decision then was not to take action to raise the profile as an exercise in itself. Does the Committee now feel otherwise?

8. One issue that the meeting with the Leader and Chief Executive discussed was a possible transfer of responsibilities between the Committee and the Audit and Governance Committee, namely for that Committee to take over complaints monitoring and for this Committee to share responsibility for the annual Governance Statement. The Governance Statement that was agreed by the Audit and Governance Committee on 30th June 2009 is appended as Annex 2.

9. I have set out below an extract from the September 2008 report that deals with the relationship between this Committee and the Audit Committee:-

There is overlap between the responsibilities of the Audit and Governance Committee and those of this Committee. Both Committees have a role to play in ethical governance.

The Standards Board has issued guidance on the role of Standards Committees. The guidance talks about the relationship between the Committee and Councils' Audit Committee. It says that the roles should complement each other. It says that whilst Audit Committees should oversee the financial processes, Standards Committees should take the lead on promoting good ethical conduct. It goes on to say that it is important that Committees are clear about their roles and responsibilities, and that there should be clear distinctions in their terms of reference in order to avoid confusion, disputes and possible duplication.

Officers will report orally upon the possible adjustment of responsibilities referred to in paragraph 8 above.

11. Members of the Committee will of course have ideas of their own about how the Committee's profile might be raised, and its effectiveness enhanced. The Committee may wish to look at each element of its powers and duties (appended as Annex 1) to offer suggestions.

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Comment [x1]: Name, telephone number and email

Background papers: None

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