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22 October 2008

S U M M O N S

MEETING: Standards and Governance Committee
DATE: 30 October 2008
TIME: 6.00 p.m.
PLACE: Committee Room 1, Town Hall, Gosport
Democratic Services contact: Chris Wrein

LINDA EDWARDS
BOROUGH SOLICITOR

MEMBERS OF THE COMMITTEE

Mr RV Perry (Independent Member) (Chairman)	Mr G Lidgley (Independent Member)
Councillor Ms Ballard	Councillor Hicks
Councillor Burgess	Councillor Langdon
Councillor Cully	Councillor Wright

FIRE PRECAUTIONS

(To be read from the Chair if members of the public are present)

In the event of the fire alarm (single continuous sound) being activated, please leave the room immediately.

Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

IMPORTANT NOTICE:

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

NOTE:

- i. Members are requested to note that if any member wishes to speak at the meeting then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off for the duration of the meeting.

AGENDA

RECOMMENDED
MINUTE
FORMAT

PART A ITEMS

1. ELECTION OF VICE-CHAIRMAN FOR THE MUNICIPAL YEAR 2008/09
2. APOLOGIES FOR NON-ATTENDANCE
3. DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter, any personal or personal and prejudicial interest in any item(s) being considered at this meeting.

4. MINUTES

To approve as a correct record the Minutes of the Committee meeting held on 11 September 2008 (copy attached)

5. DEPUTATIONS – STANDING ORDER 3.5

(NOTE: The Committee is required to receive a deputation(s) on a matter which is before the meeting of the Committee provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Tuesday, 28 October 2008. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

6. PUBLIC QUESTIONS – STANDING ORDER 3.6

(NOTE: The Committee is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Committee provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Tuesday, 28 October 2008).

7. NEW MEMBER INDUCTION AND TRAINING

Part II

To advise the Committee of the outcome of a scrutiny by the Overview and Scrutiny Committee of the 2008 New Members Induction and Training.

Contact Officer:
Linda Edwards
Ext. 5400

8. INTERNAL AUDIT – PROGRESS REPORT FROM 1ST APRIL 2008 TO 30TH SEPTEMBER 2008

Part II

To table the performance of the Internal Audit Section in the first four months of 2008/09 (1st April 2008 – 30th September 2008) against the agreed audit plan to the Members with responsibility for governance.

Contact Officer:
Chris Davis
Ext 5306

9. STANDARDS AND GOVERNANCE COMMITTEE WORKPLAN

Part II

Standards and Governance Committee
30 October 2008

Report to follow.

Contact Officer:
Linda Edwards
Ext 5400

10. ANY OTHER ITEMS
*-which by reason of special circumstances the Chairman considers should
be considered as a matter of urgency*

A MEETING OF THE STANDARDS AND GOVERNANCE COMMITTEE

WAS HELD ON 11 SEPTEMBER 2008

Councillors Burgess (P), Mrs Cully (P), Gill (P), Hicks (P), Langdon (P) and Wright (P).

Independent Members: Mr R V Perry (P), vacancy.

1. ELECTION OF CHAIRMAN

RESOLVED: That Mr Richard Perry be elected Chairman of the Standards and Governance Committee for the Municipal Year 2008/09.

2. APOLOGIES

No apologies for inability to attend the meeting were received.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES

RESOLVED: That the Minutes of the meeting of the Standards and Governance Committee held on 24 April 2008 be approved and signed by the Chairman as a true and correct record.

5. DEPUTATIONS

There were no deputations.

6. PUBLIC QUESTIONS

There were no public questions.

PART II

7. REPORT TO THOSE CHARGED WITH GOVERNANCE 2007/08

The external auditor's report was introduced by Mr Michael Attenborough-Cox of Mazars.

Mr Attenborough-Cox advised that the report followed the audit of the Borough's accounts in line with Audit Commission practice. ISA 260 required that any findings be reported to those

charged with governance.

Members were advised that there had been no significant findings although there were some minor technical matters to be dealt with. An unqualified audit opinion would be issued at the end of September 2008. A Value for Money opinion on Use of Resources would also be issued.

A mis-statement had been identified relating to a payment by the Ministry of Defence which had subsequently been corrected.

The Letter of Representation was required to be signed by the Borough Treasurer 24 hours before the accounts were signed off.

Mr Attenborough-Cox expressed his thanks to officers and paid tribute to their teamwork.

An amendment to the second paragraph of the Letter of Representation was identified in that the words in brackets in the second paragraph should read:

“and, where appropriate, by inspection of supporting documentation”

RESOLVED: That:

- a) the report of the external auditors (Mazars) to those charged with governance for 2007/08 be noted;
- b) the Letter of Representation for the 2006/2007 audit be approved, subject to the amendment above, for signing by the Deputy Chief Executive and Borough Treasurer; and
- c) Mazars and officers be thanked for their work and contributions to the report.

8. LOCAL ASSESSMENT CRITERIA AND OTHER PROCEDURAL MATTERS

Consideration was given to a report of the Borough Solicitor which proposed criteria to aid the Assessment Sub-Committee and the Review Sub-Committee in deciding how to assess a complaint and to deal with other procedural matters.

With regard to the appointment of sub-committees, the Borough Solicitor explained that Members with a personal interest, as defined in the Code of Conduct, should not take part in the assessment of a complaint. Hitherto the Borough Solicitor had contacted the Chairman to discuss membership of any sub-committee and this guidance had been taken into account. Members agreed that this arrangement should continue.

With regard to anonymous complaints, Members were advised that a balance would have to be struck as there was a difference between an anonymous complaint and a frivolous one. Should an anonymous complaint be of a serious nature, it would have to be investigated.

With regard to the issue of confidentiality, the Borough Solicitor advised that all paperwork relating to complaints was locked away and officers were not permitted to discuss them. Arrangements could be made, if required, for paperwork to be returned to officers and shredded following a sub-committee meeting.

RESOLVED: That:

- a) the criteria for assessing complaints about Member conduct set out in the report and Appendix 1 be approved;
- b) the Monitoring Officer arrange for the criteria for assessment and the procedures to be followed to be published on the Council's website and, subject to the Coastline Editorial Panel's approval, published in Coastline;
- c) the current arrangements used hitherto for appointing Members to Assessment or Review Sub-Committees, as detailed in paragraph 2.7 of the Borough Solicitor's report, be continued; and
- d) the Procedural matters set out in the report and in Appendix 1 be approved.

9. COMPLAINTS PROCEDURES AND ANALYSIS

Consideration was given to a report of the Corporate Services Manager which recommended that the Committee, having given due consideration to the contents of the report, provide feedback as appropriate to the Council Management Team on the management of the formal complaints received in 2007/8.

Members were advised that there appeared to be a large increase in the volume of complaints received but this was due to the fact that 41 separate complaints had been lodged regarding one issue at Little Green.

Appendix B of the report indicated no significant trends, the main areas generating complaints being Housing, Refuse Collection and Grounds Maintenance. Appendix D to the report indicated satisfaction with the Council's complaints process.

Members gave their approval to the Corporate Services Manager's report and agreed that this be fed back to the Council Management Team.

RESOLVED: That the report of the Corporate Services Manager be approved and that this be fed back to the Council Management Team.

10. INTERNAL AUDIT – PROGRESS REPORT FROM 1ST APRIL 2008 TO 31ST JULY 2008

Consideration was given to a report by the Head of Internal Audit and Risk Assurance which

contained details of the performance of the Internal Audit Section in the first four months of 2008/09 (1st April 2008 – 31st July 2008) against the agreed audit plan to the Members with responsibility for governance, together with an update on other key internal audit business within that same period.

Reference was made to minor issues mentioned in paragraph 2.3.1 of the report. Members were advised that these were minor staff issues relating to flexibility which were being dealt with.

RESOLVED: That:

- a) the review by the Committee of Internal Audit from April – July 2008 be concluded; and
- b) The Head of Internal Audit's other key business during this period be noted.

11. LOCAL GOVERNMENT OMBUDSMAN: ANNUAL LETTER 2007/08

Consideration was given to a report of the Borough Solicitor which advised the Committee of the Annual Letter 2007/08 received from the Local Government Ombudsman.

Members noted that there had been no findings on maladministration against the Council during 2007/08 and that two fewer complaints to the Ombudsman had been made than in 2006/07.

RESOLVED: That the report of the Borough Solicitor be noted.

12. STANDARDS AND GOVERNANCE COMMITTEE WORKPLAN

Consideration was given to the Standards and Governance Committee Workplan which was presented to Members by the Borough Solicitor.

The Borough Solicitor advised Members that some of the items contained in the Workplan had slipped and this was due to the workload generated by complaints received regarding Councillor conduct and which had necessitated the setting up and administration of a number of Assessment Sub-Committees.

Members agreed with a proposal made by the Borough Solicitor that a paper be presented to the next meeting of the Committee containing new dates and any additional items.

The Chairman asked whether any new advice from the Standards Board for England was expected. The Borough Solicitor advised that no advice was imminent but, should any be forthcoming, this would be forwarded to Members via the Members' Information Bulletin and also to the Chairman.

RESOLVED: That a paper be presented to the next meeting of the Committee containing

new dates and any additional items.

The meeting commenced at 6.00pm and concluded at 6.48 pm.

CHAIRMAN

AGENDA ITEM NO. 7

Board/Committee:	Standards & Governance Committee
Date of Meeting:	30 October 2008
Title:	New Member Induction and Training
Author:	Borough Solicitor
Status:	For Decision

Purpose

To advise the Committee of the outcome of a scrutiny by the Overview and Scrutiny Committee of the 2008 New Members Induction and Training.

Recommendation

That the Committee note the report and recommendations of the Overview and Scrutiny Committee as set out below and ask the Chief Executive to take these into account when formulating further training and induction.

- a) Councillors be equipped with the full staff contact list immediately;
- b) new Members receive a paper copy of the induction pack previously only available electronically in 2008;
- c) in their first two weeks of office, Councillors be given the opportunity to visit Streetscene, be introduced to key individuals and have the organisation's role explained;
- d) Councillors be given earlier access to the Council's Information Technology (IT) infrastructure;
- e) Councillors be provided with IT training opportunities to enable them to take advantage of the IT infrastructure with training on setting up websites occurring early on; and
- f) formal induction occasions be expanded and their focus altered. Session(s) to possibly include:
 - (i) existing councillors explaining their role, activities, successes and frustrations with advice to the naïve and unwary;
 - (ii) the challenges and opportunities that Gosport provides and a description of existing local initiatives;
 - (iii) clarification of what the Borough Council has to do and chooses to do;
 - (iv) the purpose of the Code of Conduct and its role in facilitating

Councillors' work;

(v) a practical introduction to the Council Chamber and what occurs during Council meetings; and

(vi) a basic guide to the Council's standing orders and procedures followed during meetings.

1.0 Background

1.1 At the meeting of the Overview and Scrutiny Committee on 5 June 2008, it was suggested that the induction and training of new Councillors be scrutinised as it was felt that the current arrangements could be improved upon.

1.2 Members were in agreement with this proposal and the Chairman (Councillor Forder) undertook to write a paper to be presented at the next meeting of the Committee.

2.0 Report

2.1 The Chairman of the Overview and Scrutiny Committee submitted a report to its meeting on 24 July 2008 where Members were given the opportunity to make comments and suggestions.

2.2 It was agreed that the Chairman amend his report, incorporating the Committee's suggestions, and re-circulate it to the Members of the Committee.

2.3 The final version of the report, containing recommendations, is attached as Appendix A.

3.0 Risk Assessment

3.1 The recommendations in this report, should they not be approved, may lead to Members being less effective in their role and requiring a longer period before being able to realise their potential as Councillors.

4.0 Conclusion

4.1 There are a number of areas where new Member induction and training could be improved.

Financial Services comments:	
Legal Services comments:	
Service Improvement Plan implications:	
Corporate Plan:	
Risk Assessment:	As in paragraph 3.1

Background papers:	Nil
Appendices/Enclosures:	Appendix A: Report circulated to Members of the Overview and Scrutiny Committee
Report author/ Lead Officer:	Linda Edwards 023 9254 5400

Appendix A

A report from the Overview and Scrutiny Committee

New Councillor Induction

Induction – learning activities designed to allow an individual to exercise a job, task or role effectively.

This report was originally drafted by the Committee's chairman, but has been subsequently amended and endorsed by all its members.

I would suggest the role of the councillor can be summarised as follows:

1. To contribute to council policy and strategy
2. To take responsibility for scrutiny (checking and monitoring what the council does)
3. To exercise regulatory duties (making sure laws are kept to, e.g. planning and licensing)
4. To provide a voice for and help to all members of the community

How we are inducted to our role and continue to learn about it will depend on the aspect being referred to.

1. The Political Party we are a member of will induct us to consider policy and contribute to its formulation, probably before election. Membership of the Council, including Boards and Committees and Party Groups will reinforce and develop this.
2. We are recruited to our scrutiny role through council debates and the issues constituents bring to us. Members of the Overview and Scrutiny Committee have a particular and key role and our induction will be supported by appropriate training.
3. Regulatory duties are mainly exercised by members of the Licensing and Regulatory Boards who receive appropriate specialist training.
4. In my experience the most urgent needs I had on being elected were as a representative of my constituents. Constituents' expectations are that a councillor should be 'up and running' as soon as elected; we fuel this through the election campaign where we obviously present ourselves as knowledgeable and keen to help constituents.

Induction in 2008

I am aware of the following formal efforts to induct us in a general sense, most of which are aimed at the fourth role identified above. I have only described items that occurred in the first six weeks of our terms of office because this seems

most relevant to the issue of induction, although I am aware that other training opportunities will arise and some are already programmed.

1. We were issued with a 'Survival Kit' document. This provided some useful information but was generally less to do with induction than various legally necessary form filling requirements. There was a list of contacts but I did not find it very useful because it only detailed senior officers; in most cases I found I needed to contact more junior officers to get things done for my constituents.
2. On the morning of Friday 2 May we were invited into the Town Hall. We met as party groups although we were introduced to various individuals including the Mayor and Chief Executive.
3. On 12 May there was a formal induction evening that incorporated the issues confronting Gosport, the Code of Conduct and Finance issues. The occasion was carefully prepared, well-presented but limited in its scope.
4. On 15 May there was a meeting with senior officers prior to the Adjourned Annual Council meeting. Again this was welcome but limited in its ambitions. It mainly provided a networking opportunity.

Suggested shortcomings

1. After election I quickly accumulated casework. The problem was I often did not know which officers to approach. It was only at the end of May that I became aware that there is a staff contact list which I obtained and have found very useful ever since.
2. Most of the casework I accumulated was relevant to Streetscene. At the end of the month we visited the depot and was given an excellent tour and talk by Steve Leaver. I am sure all councillors would have benefited from this.
3. The issue of communication was a particular problem. Although the Council has a sophisticated IT infrastructure new councillors are effectively excluded from it for the first few weeks until relevant software is installed on the computers of those who have them (mine was installed on 30 May). For others, who had to wait for computers to be provided, the delays were much longer. This was not only unhelpful but caused confusion. It was only after 30 May that I discovered all sorts of messages sent to my GBC email address that I was unable to access earlier.
4. New councillors come from a wide range of occupational backgrounds and I suspect that while all have IT training needs, for some these are more pressing than for others.
5. It is apparent that many councillors are understandably confused about the Borough Council's statutory responsibilities. What does the Borough Council have to do? What does it choose to do?
6. I believe that all new councillors have a very positive orientation towards their duties and are keen to make a difference. We needed to hear from

experienced role models who give us some pointers about how to direct our efforts efficiently and effectively.

Recommendations.

1. Councillors should be equipped with the full staff contact list immediately.
2. We would prefer that in future new members received a paper copy of the induction pack that was only available electronically in 2008.
3. In their first two weeks of office councillors need to visit Streetscene, be introduced to key individuals and have the organisation's role explained.
4. Councillors need access to the Council's IT infrastructure much earlier than at present.
5. Councillors need IT training opportunities to enable them to take advantage of the IT infrastructure. There may well need to be training opportunities for all councillors together and individually. Training on how to set up websites should occur early on.
6. The formal induction occasions need to be expanded and their focus needs to be altered. Session(s) could include:
 - a) Existing councillor(s) explaining their role, activities, successes and frustrations with advice to the naïve and unwary.
 - b) The challenges and opportunities that Gosport provides and a description of existing local initiatives.
 - c) Clarification of what the Borough Council has to do and chooses to do.
 - d) The purpose of the Code of Conduct and its role in facilitating councillors' work.
 - e) A practical introduction to the Council Chamber and what occurs during Council meetings.
 - f) A basic guide to the Council's standing orders and procedures followed during meetings.

25.7.08

AGENDA ITEM NO. 8

Board/Committee:	Standards & Governance Committee
Date of Meeting:	30th October 2008
Title:	Internal Audit – Progress Report from 1st April 2008 to 30th September 2008
Author:	Head of Internal Audit & Risk Assurance
Status:	For Decision

Purpose

To table the performance of the Internal Audit Section in the first four months of 2008/09 (1st April 2008 – 30th September 2008) against the agreed audit plan to the Members with responsibility for governance.

Recommendation

That the Committee reviews the performance of Internal Audit from April 2008 to September 2008.

1 Background

- 1.1 To enhance the Council's corporate governance arrangements, in line with the Use of Resources CPA test, the report outlines the performance of the Internal Audit Section against its overall agreed annual plan for 2008/09.

2 Report

2.1 Position after six months

- 2.1.1 The current position of internal audit workload is on target against its projected plan as at the 30th September 2008. Fundamental work had begun and all tasks have now been planned and assigned to auditors through to the year (March 2009). Up to the six month period the section had delivered 425 productive days for Gosport and 92 days to Eastleigh Borough Council. Over £25K has been generated in the first six months of the partnership. The use of the external providers is planned to support the in-house audit team in quarter three, as anticipated, to deliver the agreed annual internal audit plan (approximately 35 days). This work will be delivered within existing budgets. A further update on actual performance will be reported to Members in the New Year. The sections current status against the annual plan (as at 30th September 2008) places it in a strong position to deliver 100% (+/- 3%) of the 2008/09 proposed internal audit coverage. The section is currently running with a vacancy and this will cause operational difficulties in the future. It is anticipated to fill this post by January 2009.

2.2 **Workload to date**

2.2.1 Attached is a table of completed tasks and those partially complete.

Task	Status	Comments
Financial Management System	Complete	
Right to Buy	Complete	
Cash Collection	Complete	
Business Continuity (BC) (8)	Complete	
Data Protection	wip	95%
IT Maintenance	wip	85%
IT Support	Complete	
Telephone Logger	Complete	
Community Safety	wip	75%
Time Recording System	Complete	
Mobile Home Park	Complete	
Health & Safety	wip	90%
Leisure booking System	wip	90%
Car parking	Complete	
Disabled Facilities Grant	Complete	
Service Charges	Complete	
VAT	Complete	
IT Disaster Recovery & BC	Complete	
IT Control Environment	wip	75%
Pollution	wip	50%

2.2.2 Below is the planned worked for the remaining six months:-

Full reviews

- Budgetary Control
- Accounting & Bank Reconciliation
- Fixed Assets
- Accounts payable
- Debtors
- Treasury Management
- Open Market
- Choice based Lettings
- Temporary Accommodation
- HRA Business Plan
- Rent Collection & Recovery
- Council Tax
- Benefits
- Corporate Governance

2.2.2 **Follow up review**
(cont)

- Town Hall Security

Contract Audit

- Ground Maintenance & OCS
- Refuse Collection & Recycling
- Pontoon replacement

Project Development support & advice

- Debtors
- Purchase Order

Consultancy

- Eastleigh Borough Council audit management support
- Procurement
- Risk Management
- Service Reviews
- Advice to all Services

3 Risk Assessment

- 3.1 The report has a minimal direct impact on the overall risk of the Council. The work performed and the professional advice given by Internal Audit provides management with a high degree of assurance in their responsibility for control in their Service environments.

4 Conclusion

- That the Committee notes the strong performance of the Internal Audit Section in the six months of 2008/09 to the 30th September 2008.

Financial Services comments:	Nil
Legal Services comments:	Nil
Service Improvement Plan implications:	The information provided within the report has a direct link to improving the overall governance arrangements within the Council. The performance of the Internal Audit section is a key operational indicator monitored closely against the agreed Annual Audit Plan.
Corporate Plan:	Internal Audit's work supports all Council Services in pursuit of their overall corporate and strategic priorities.
Risk Assessment:	See Section 3
Background papers:	Nil
Appendices/Enclosures:	Nil
Report author/ Lead Officer:	Chris Davis 023 9254 5306

AGENDA ITEM NO. 9

Board/Committee:	Standards & Governance Committee
Date of Meeting:	30 October 2008
Title:	Standards and Governance Committee Work Plan
Author:	Borough Solicitor
Status:	FOR DECISION

Purpose

To advise Members of progress on the Committee's work plan

Recommendation

That the revised work plan is approved

1 Background

- 1.1 At each meeting the Committee considers its work plan and agrees amendments as required. However the Committee has not had an opportunity this year to fundamentally review whether the areas in the work plan are still priority areas of work for them.

2 Report

- 2.1 The most significant new area of work for the Committee this year has been Local Assessment and Investigation of Complaints. Whilst the Committee has set up the relevant sub-committees to deal with assessments it would be sensible for the Committee to receive a twice yearly report on this area of work. This would cover the number and general nature of complaints and what action was taken on them. The report would not include any details of the complainant or subject member.
- 2.2 Whilst members have not thus far been involved in investigations of complaints it is now an appropriate time to provide training in this area and this is included on the work plan.
- 2.3 Two significant areas of work which have had to be delayed due to lack of resources are the reviews of the Member/Officer Protocol and Contract Standing Orders.
- 2.4 Currently amendments to the Code of Conduct for Members and a revised national code of conduct for officers are the subject of consultation. It would seem sensible to wait for the outcome of this process before revising the Council's Member/Officer Protocol.

2.5 Work is currently being undertaken by the Chief Finance Officers across Hampshire on rationalising procurement strategies and contract standing orders to facilitate partnership working. It is proposed to await the outcome of this work before progressing with the review of the Council's contract standing orders.

2.6 The revised work plan is set out at Appendix 1

3.0 Risk Assessment

3.1 If the Committee does not have a robust and realistic work plan then the governance of the Council could be adversely affected

Financial Services comments:	No provision is currently made in the Council's budget for the cost of undertaking these new responsibilities.
Legal Services comments:	Contained in the report.
Service Improvement Plan implications:	Legal and Democratic Services SIP will need to be amended
Corporate Plan:	Responding to these new responsibilities should assist the Council in the pursuit of excellence objectives.
Risk Assessment:	Contained in the report
Background papers:	The Constitution, Local Government Act 2000 and the Standards Committee (England) Regulations 2008
Appendix 1:	Work Plan
Report author/ Lead Officer:	Borough Solicitor

APPENDIX 1

STANDARDS AND GOVERNANCE COMMITTEE WORKPLAN

Work Area	Report To Committee	Lead Officer
Internal Audit - 6 month position statement	30 Oct 08	CD
Future proposal for Internal Audit partnership with Eastleigh Borough Council	1 Dec 08 (Special)	CD & PW
Training- Investigations of Complaints	January 2009	LW
Local Assessment Monitoring Report	22 Jan 09	LE
Strategic Audit Plan & Resource Plan 2009/2012	22 Jan 09	CD
Internal Audit - 9 month position statement	19 Mar 09	CD
Draft Annual Governance Statement 2008/09	19 Mar 09	CD
Draft Annual Audit Plan 2009/10	19 Mar 09	CD
Head of Internal Audit Annual Report 2008/09	23 Apr 09	CD
Fraud & Corruption update & whistleblowing policy	23 Apr 09	LE & CD
Risk Management strategy update	23 Apr 09	JB & CD
Member/Officer Protocol	July 2009	LE
Contract Standing Orders	July 2009	PW/CD
Local Assessment Monitoring Report	Sept. 2009	LE

Dates of Future Meetings

1 December (Extraordinary: Proposed Date)

22 January

19 March

23 April

AGENDA ITEM NO. 10

Board/Committee:	Standards & Governance Committee
Date of Meeting:	30 October 2008
Title:	Hampshire, Isle of Wight, East Sussex, West Sussex and Surrey Independent Members' Forum, Fareham 23 October 2008
Author:	Richard Perry

1.00 Introduction

1.01 I attended this meeting when the attached report on the seventh Annual Assembly of the Standards Board for England of 13/14 October 2008 was tabled, and other matters were discussed. Appendix A sets out future likely events, including:

- 1) Amendment regulations in November 2008 allowing Standards Committees of different Councils to work together, and to remedy difficulties in recruiting independent members;
- 2) Review by the Government of the newly introduced Code of Conduct, with consultations thereon closing on Christmas Eve 2008;
- 3) Increasing pressure for Standards Committees to become more involved in matters such as oversight of standards in local partnerships. A protocol thereon was issued the day after the recent national conference at Birmingham;
- 4) Increasing pressure for a more proactive stance by Standards Committees;
- 5) Proposals for regular six-monthly meetings between the Chair of the Standards Committee, Council CEO and Leader, revolving around increasing Standards Committees' profiles.

1.02 Local Assessments and Investigations

1.03 Outside Appendix A, noted that Isle of Wight County Council now had a Standards Committee of 7 independent members, 4 Isle of Wight Councillors and 3 Parish/Town Councillors. Assessment Sub-Committees comprised 1 independent, 1 Isle of Wight Councillor and (for parish matters), 1 Parish/Town Councillor.

1.04 The Isle of Wight C.C. had initially advised Councillors if they had been complained against, but this had caused upset. This has been minimised, so it was claimed, by advising Councillors of complaints against them only after the Assessment Sub-Committee had met.

1.05 Acceptance of Assessments (the Isle of Wight CC had received 17 complaints, including parishes, compared to Gosport's 17, without parishes) had been facilitated by speedy Assessment Sub-Committee meetings, these following Standards Board guidance, but

being held within 10 (not 20) working days.

- 1.06 Conflicts of interest were verified before the actual Councillors for Assessment Sub-Committees were chosen.
- 1.07 The Monitoring Officer, or either of her two deputies, supported the Assessment Sub-Committee, the supporter writing the convening report after undertaking “sufficient enquiries”, but not detailed checking. No interviewing of witnesses was allowed at this stage. Papers were circulated possibly less than 5 clear working days beforehand.
- 1.08 Assessment criteria were based on the SBE model, but were later amended on the Island. In relation to malicious or politically motivated complaints, the words “does it still warrant investigation?” had been added. The criterion “has there been a serious adverse impact on the complainant or others?” had been added to the SBE list.
- 1.09 Regarding Isle of Wight complaints, 1 for investigation, 4 no action, 2 some other action, 1 withdrawn. Of the 9 relating to parishes, 1 incomplete, 4 no action, 3 some other action, 1 referred to MO for other action.
- 1.10 Where an apology was requested, but not received, the failure to apologise was referred not back to the Sub-Committee, but to the Standards Committee for consideration. There was no preferred method of asking for an apology and there were no sanctions regarding the first complaint; but failure to apologise on the first complaint could be taken into consideration if a second complaint were received.
- 1.11 The Standards Board accepted at their national conference that they had not issued enough guidance where an Assessment Sub-Committee authorised some other action, but not investigations. Further guidance thereon was possible.
- 1.12 With 17 complaints, Gosport had received more complaints (in the South) than any other authority without parishes. At the national conference, one Monitoring Officer with 197 parishes, had received 20 complaints.
- 1.13 Isle of Wight CC tried to appoint internally, where investigations were authorised, to maximise local knowledge with senior committee administrators being preferred for none-financial investigations, and audit personnel for financial related matters. Although investigations aimed to be complete in 6 months, time limits were avoided to prevent important matters being missed.
- 1.14 With regard to leaks to the press, etc, the Isle of Wight CC had

persuaded the local newspapers and radio not to publish anything until after the Assessment Sub-Committee had met.

- 1.15 The danger of telephone interviews in investigations was noted. At Worthing, the SBE was undertaking an investigation and relied wholly on telephone interviews. Telephone conversation transcripts had been provided to the Committee (with a danger of leaks of those) and confidentiality had also been threatened by people in the same room overhearing conversations.
- 1.16 New Right to Ombudsman Enquiry
- 1.17 Guidance would be issued shortly, concerning the situation where, if no justification for a complaint was found under the Code, there would nevertheless be a new right to then refer the matter to the Ombudsman.
- 1.18 Role of Standards Committee in relation to Local Authority Corporate Governance
- 1.19 Worthing had rejected a broader role for the Standards Committee in investigating the ethical basis of the Council in accordance with Audit Commission guidance. Worthing wanted to concentrate on contraventions. Similarly, with audit work undertaken by standards committees, some considered that this was a distraction from the original conduct role.
- 1.20 Substitute Members on Standards Committees
- 1.21 Permitted under present Regulations, but this may be altered soon.

Report Author:	R V Perry 23 October 2008
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