

A MEETING OF THE STANDARDS AND GOVERNANCE COMMITTEE

WAS HELD ON 19 MARCH 2009

Councillors Ms Ballard , Burgess, Cully (P), Hicks (P), Langdon (P) and Wright (P).

Independent Members: Mr R V Perry (P) and Mr G Lidgey (P).

It was reported that, in accordance with Standing Orders, Councillor Hook had been nominated to replace Councillor Burgess for this meeting.

38. APOLOGIES

Apologies for inability to attend the meeting were submitted on behalf of Councillors Ms Ballard and Burgess.

39. DECLARATIONS OF INTEREST

Councillors Hook, Hicks and Langdon declared a personal, non-prejudicial interest in item 9 on the agenda ((Local Assessment Monitoring Report).

40. MINUTES

RESOLVED: That the Minutes of the meeting of the Standards and Governance Committee held on 22 January 2009 be approved and signed by the Chairman as a true and correct record.

41. DEPUTATIONS

There were no deputations.

42. PUBLIC QUESTIONS

There were no public questions.

PART II

43. INTERNAL AUDIT – PROGRESS REPORT FROM 1ST APRIL 2008 TO 31ST DECEMBER 2008

Consideration was given to a report of the Head of Internal Audit & Risk Assurance which tabled the performance of the Internal Audit Section in the first 9 months of 2008/09 (1st April 2008 – 31st December 2008) against the agreed audit plan to the Members with responsibility for governance.

Officers confirmed that budget provision had been made for the services of external providers of specialised support. The income generated by the partnership working with Eastleigh Borough Council was unaffected by the buying in of these services.

Members were advised that internal audit findings in the past year had led to improved recognition by all Service Unit Managers. This, in turn, had led to more satisfactory audits and the resultant freeing up of time had placed the Internal Audit Section in a stronger position to deliver its work plan.

RESOLVED: That the review of the performance of the Internal Audit Section from April to December 2008 be concluded.

44. INTERNAL AUDIT PLAN 2009-2010

Consideration was given to a report of the Head of Internal Audit & Risk Assurance which provided the Committee with the planned annual coverage of Internal Audit resources for 2009-2010.

Members were advised that the Financial Services Unit was the main client. In audit terms, there would always be greater perceived risks in certain areas of service whilst others would be considered as low risk.

Officers confirmed that the number of days allowed for the services of specialist external providers to audit the IT service remained the same as for 2008/09.

RESOLVED: That the 2009-2010 Internal Audit Plan as shown in Appendix One of the report be approved without amendment.

45. INTERNAL AUDIT – PROPOSED FORMAL PARTNERSHIP WITH EASTLEIGH BOROUGH COUNCIL FROM APRIL 2009 TILL MARCH 2012

Consideration was given to a report of the Head of Internal Audit & Risk Assurance which advised the Committee of the formalised partnership (including the memorandum of understanding) and the enhanced governance arrangements around the sharing of Internal Audit resource with Eastleigh Borough Council from April 2009 till March 2012.

Members were advised that negotiations between legal officers of both Gosport and Eastleigh Borough Councils were still ongoing. Once these negotiations were concluded, a summary of the agreement would be circulated to Members of the Committee together with details of any significant changes and any identified risks.

The view was expressed that, should Members have any concerns, a meeting of the Committee would be called to discuss them.

RESOLVED: That, following final agreement between officers of the two Councils, all

Members of the Committee be circulated with an executive summary of the partnership agreement together with details of significant amendments and associated risks, for comment prior to the agreement being finalised.

46. LOCAL ASSESSMENT MONITORING REPORT

Note: Councillors Hook, Hicks and Langdon declared a personal, non-prejudicial interest in this item but remained in the meeting room during its entire consideration and took part in the discussion and voting thereon.

Consideration was given to a report of the Borough Solicitor which advised the Committee of the operation of the arrangements for Local Assessment.

Members were advised that no details of complaints had been included in the report due to their confidential nature. However, decisions of Assessment Sub-Committees were in the public domain and could be included in future reports should Members wish.

It was reported that Council's containing parishes were currently dealing with large numbers of complaints. The number received by Gosport Borough Council since May 2008 was not regarded as exceptionally high. The next report to the Committee could be set in a national context to reflect this.

Attention was drawn to the forthcoming training on Local Assessment, Conduct of Hearings and the Code of Conduct. It was felt that the trainer should be asked to cover the Standards Board Guidance on Officer/Member relationships.

RESOLVED: That the Borough Solicitor's report be noted.

47. STANDARDS AND GOVERNANCE COMMITTEE WORKPLAN

Consideration was given to the Workplan of the Standards and Governance Committee.

Members' attention was drawn to the proposed training on Local Assessment, Conduct of Hearings and the Code of Conduct to be held on 25 March 2009 (for all Members) and 31 March 2009 (for Members of the Committee). The trainer would be asked to make use of scenarios when conducting the sessions. Some Members had submitted apologies although they would be provided with the appropriate literature afterwards. Officers would also be attending the sessions.

Resolved: That the Workplan be noted.

48. INDEPENDENT MEMBERS FORUM

The Chairman had attended the above on 18 March 2009 and he reported as follows:

- The importance of training on local determinations had been stressed. At Guildford

Borough Council, a full record of all training offered and the degree to which it was accepted by Parish Councillors had been agreed by the Standards Committee.

- Flaws in the existing new Code had been brought to the attention of the Standards Board for England by Guildford Borough Council and other local authorities.
- It had been felt advisable to keep records of the length of Assessment Sub-Committee meetings to confirm diligence in assessing complaints.
- Where a Councillor refused to comply with corrective action required by an Assessment Sub-Committee, there would be no possibility of a review unless the Sub-Committee had written that review into its decision at the initial meeting.
- The 2009 Standards Regulation review was expected to be completed by 1 April 2009. A third draft check was currently being undertaken.
- The Standards Board for England expected the new Code to be published in mid-June 2009.
- It was expected that consultation on the revised Code would include the subject of time-off entitlements based on statute elsewhere.
- The possibility of increased centralisation was being investigated as:
 - a) part of the strategic overview of the Standards Board for England developing a risk model and a supportive collaborative approach with Standards Committees;
 - b) proposed annual report modifications with proposed requirements to be submitted to the Standards Committee and Council; and
 - c) proposed powers for the Standards Board for England to directly take over Standards Committees.
- The new Code is motivated by the Livingstone Case and private lives. In this context, draft assessment criteria were already in place for assessing Standards Committees. The assessment criteria would cover some areas of concern which had arisen since the introduction of the new Code in May 2008 with 13 or 14 questions on Standards Committees and employees. The draft appeared to be available on request.

49. EXCLUSION OF PUBLIC

RESOLVED: That in relation to the following item the public be excluded from the meeting, as it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item there would be disclosure to them of exempt information within Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, and further that in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

50. STANDARDS BOARD FOR ENGLAND REPORT

This report was exempt from publication as the public interest in maintaining the exemption outweighed the public interest in disclosing the information. The information in the Standards Board's report related a number of individuals' personal experiences and circumstances that were not considered appropriate to be released to the public. The public would be able to find out the outcome of the investigation as a summary was available from the Standards Board for England. In order to ensure that members of the public raised concerns regarding standards of conduct in public office, the confidentiality of the complaints system is an important tool.

Consideration was given to an exempt report of the Monitoring Officer.

Concerns were raised regarding the way in which the investigation had been conducted and the Monitoring Officer undertook to contact the investigator and raise these concerns.

RESOLVED: That the Monitoring Officer's report be noted.

The meeting commenced at 6.00pm and concluded at 7.01 p.m.

CHAIRMAN