

STANDARD COMMITTEE

A meeting of the Standards Committee was held on 11 September 2007.

PRESENT: G Fell (Chair)
Councillors Davison, Majid, McPartland, Ward and Williams
Parish Council Member: Councillor I Bruce

OFFICIALS: C Davies, V Flynn, R G Long and D Robinson

****APOLOGIES FOR ABSENCE** were submitted on behalf of Mr Anderson.

****DECLARATIONS OF INTEREST**

There were no declarations of interest for this meeting.

****MINUTES**

The minutes of the meeting of the Standards Committee held on 12 June 2007 were taken as read and approved as a correct record.

INDEPENDENT MEMBERS – APPOINTMENT

The Director of Legal and Democratic Services was present and reminded the committee that, as Donna Middleton had resigned due to work pressures and the Chair's term of office had expired, an advertisement had been placed to attract two new members to the Standards Committee. As it was usual for the Chair and the Director of Legal and Democratic Services to interview prospective candidates, in the likelihood that the Chair would be re-applying, it was agreed that the Members' Office Manager and the Director of Legal and Democratic Services would conduct the interviews in this instance. It was noted that any new appointments would be required to be approved by Full Council, as a matter of course.

ORDERED that the above information and the interview arrangements as detailed above be accepted.

ANNUAL AUDIT AND INSPECTION LETTER

The Director of Legal and Democratic Services presented a report, the purpose of which was to inform Members of the contents of the Audit Commission's Annual Audit and Inspection letter, dated March 2007. This Letter, which had also been reported to Corporate Affairs Committee, included key messages in relation to Middlesbrough Council's performance, accounts and governance during 2005/2006. In particular it provided details relating to the Council's CPA score, including the Use of Resources judgement and the Council's financial management.

Details of further actions, which needed to be taken by the Council, were also included in the Annual letter, a copy of which was attached to the report.

Performance

The annual audit and inspection letter was based, mainly on the performance of Middlesbrough Council during 2005/06. Key achievements included: -

- Continued improvement in educational achievement and at a faster rate than nationally for Key Stage 2
- Adult social care continued to be good, with significantly high numbers helped to live at home
- More people believed their neighbourhood was safer, with significant recent progress in some areas of crime performance

The Audit Commission's overall judgement was that Middlesbrough Council was improving well and was classified as four stars for its performance for 2006, under the Comprehensive Performance Assessment.

Accounts and Governance

The accounts received an unqualified audit opinion and the auditors were able to issue an unqualified conclusion that the Council had proper arrangements in place for securing economy, efficiency and effectiveness in the uses of its resources.

The findings of the auditor were an important component of the CPA framework; in particular the Use of Resources score was derived from the assessments made by the auditor. The key points arising from the audit included: -

- scores for financial reporting and internal control had improved.
- the processes for financial reporting had improved through better project management which ensured that the Statement of Accounts was produced earlier to a more demanding timetable;
- the Council had sound internal control procedures.
- the Council's spending per head of population compared favourably with similar local authorities and high cost areas were also the Council's priority areas.

Annual audit letter recommendations

Two recommendations were made to sustain improvement these were: -

- consider what action it could take to improve those services where user satisfaction had declined;
- review the approach to project management and ensure it was applied consistently across all departments.

The Strategic Plan 2007/08 included the following actions in response to the recommendations: -

- Implement the Community Consultation strategy and associated action plan.
- Introduce a Corporate Project Management Framework.

ORDERED that the Standards Committee noted the contents of the Audit Commission's Annual Audit and Inspection Letter dated March 2007.

BUSINESS REPORT

The Director of Legal and Democratic Services presented his Business Report. This included details of the following:

- Code of Conduct – (a) Following the Council's formal adoption of the new Model Code of Conduct, in May 2007 and following discussions with the monitoring officers of the other Tees Valley Authorities, it had been agreed that a training session was to be arranged for all authorities in the Tees Valley areas. Stockton Borough Council had arranged for Peter Keith-Lucas, an experienced solicitor, to present this training on Thursday 25 October 2007, in Stockton. Middlesbrough Council had been offered 25 places and invitations were extended to the members of the Standards Committee with any remaining places to be offered to other Councillors.

(b) DVD – 'The Code of Conduct – The Code Uncovered' – Reference was made to this dvd, produced by the Standards Board for England and it was agreed that this would be played at the close of the meeting.
- Parish Training – It was also felt that, following the implementation of the new Code of Conduct, it would be appropriate to offer training to the parish councils within Middlesbrough, namely Nunthorpe and Stainton and Thornton Parish Councils. Both had taken up the offer and these training dates were to be 3 October 2007 and 9 October 2007 respectively.
- Officers' Gifts and Hospitality Registers – Members were aware of their requirement to register any offers of gifts or hospitality on a central register. Officers were also required to register any gifts or hospitality and previously this was kept on a register within each Department. However, it was now agreed that a central register for officers' gifts should be maintained within Legal and Democratic Services.
- Standards Board Bulletin – Bulletin No. 34 was issued in July 2007 and a copy was attached to the report. The bulletin dealt with a number of issues :

- new Code of Conduct – disclosing confidential information and bias
- new form of registration required to address the slight changes introduced by the new Code
- Gifts over £25, related to official duties, had to be registered but there was no requirement to register the interest of the person giving the gift, unless it was relevant to the Member declaring a personal interest, i.e. the new three year rule;
- Paragraph 4(a) of the code prohibits Councillors disclosing confidential information, unless it was in the public interest to do so and that the member could satisfy four requirements: that it was reasonable, it was in the public interest, it was done in good faith and made in compliance with the reasonable requirements of the authority. As a result, the council was required to have some 'reasonable requirements', which were often contained in policies or protocols relating to 'whistleblowing' or member/officer relations. The Monitoring Officer was to review the Council's policies and protocols to ensure that these requirements were in place and were reasonable. It was noted that some local authorities had not established what were 'reasonable requirements'.
- Complaints for the year ending 31 March 2007 totalled 653, compared to 605 for the previous year. Of these, 84% were not referred for investigation, and of the remaining 16% that were investigated, 51% of those required no further action and a further 31% resulted in a finding of no evidence of breach.
- Pre-disposition, Predetermination or Bias – An occasional paper prepared by the Standards Board, in relation to the Code, was appended to the report, which dealt with pre-disposition etc and a copy was to be sent to all Members for information. It was noted that Members should keep an open mind on all matters, until all relevant information was presented.

ORDERED that the report and its content be noted and approved,

MEMBER DEVELOPMENT STRATEGY 2007-2008

The Members' Office Manager presented a report, the purpose of which was to present the Member Development Strategy for 2007/2008.

Reference was made to the Members' Development Charter and the Investors in People (IIP) award, as the outcome of the Council signing up to the I&DeA Charter for Member Development. The Members' Development Charter had been re-launched to include externally assessed standards that must be achieved to gain Charter status and it was confirmed that Charter Status was awarded to Middlesbrough in March 2007.

In addition, the Investors in People award had been sought in respect of Elected Members and this was achieved in May 2007. Middlesbrough was the first Council in the north of England to secure IIP for elected members, under the new and more rigorous standards.

Committee was advised that the Strategy and Development Programme for 2007/2008 had been drafted and a copy was attached to the report for Members' attention. It was noted that Pages 10 - 12 of the Strategy document set out the main learning and development opportunities available to Members throughout the year, based on the training needs of individual members, legislation changes, Council structural changes, best practice developments and recommendations from Overview and Scrutiny Board.

Members were required to undergo specific training before sitting on Licensing and Planning and Development Committees. This requirement had been extended to include Teeside Pension Fund, Complaints and Appeals Committee, Family Placement Panel and Staff Appeals Committee.

Reference was also made to the Personal Development Plan of which 15 Members had completed to date. This was to ensure that training events were arranged to meet Members' requirements. It was also noted that further training was required on ethics and protocols.

ORDERED that the Member Development Strategy was noted and approved.

LOCAL GOVERNMENT OMBUDSMAN - ANNUAL LETTER 2006/2007

The Members' Office Manager presented a report, the purpose of which was to inform Members of the Local Government Ombudsman's Annual Letter, which commented on the Council's performance in respect of complaints to the Ombudsman. A copy of the Letter was attached as Appendix 1 of the report, for Member's information.

Overall, it was noted that there was a reduction in the number of complaints to the Ombudsman in respect of Middlesbrough Council (24), compared to the previous year (34). This reflected the general downward trend in complaints to the Ombudsman and a breakdown of complaints over the last five years was attached as Appendix 2 of the report. Changes in the administration and management of Adult Care and Children Families and Learning services and the transfer of housing stock to Erimus Housing had also affected the complaints figures. Erimus Housing maintained its own complaints procedure, and dealt with such issues, prior to any complaint reaching the Ombudsman.

It was also noted that there were no findings of maladministration against the Council, for the fourth year running and that this was a very positive report from the Ombudsman, in respect of both the process and outcomes relating to complaints.

ORDERED that the report and its contents be noted.

DATES OF FUTURE MEETINGS

Dates for future meetings of the committee were reported as follows:

Tuesday 11 December 2007, 10.00 a.m.

Tuesday 11 March 2008, 10.00 a.m. not 9.00 a.m. as indicated on the agenda.

DVD – THE CODE OF CONDUCT – ‘THE CODE UNCOVERED’

The above titled dvd, produced by the Standards Board for England, was presented for Members' attention and information. In the discussion that followed, reference was made and questions asked as to the definition of the 'right to speak' in committee, of both councillors and members of the public. It was also agreed that it was appropriate that the dvd should be shown to all Members of the council, especially for members of the Planning and Development Committee, as its main focus was on the handling of a controversial and major planning application. The issues of personal and prejudicial interests were also clearly explained in the dvd and it was agreed that this was of particular interest to all members of the Council.

The dvd also addressed the issues of disclosure of confidential information and of bullying by councillors against officers. In response to a question, Members were advised that, should a Councillor be found to have bullied an officer, then a genuine apology should be forthcoming. Another sanction could be that the Councillor in question could be suspended from duty for a period of time, with a subsequent loss of allowances or alternatively could be banned from certain areas within council buildings.

AGREED that the above information be noted and that the dvd should be presented to the Planning and Development Committee and to other members, as appropriate.