

STANDARDS COMMITTEE

AGENDA

7.30pm	Tuesday 27 November 2007	Havering Town Hall Main Road, Romford
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Members 8: Quorum 3 (including at least one of the Independent Members)

Councillors:

**Conservative
Group
(3)**

**Residents'
Group
(1)**

**Rainham &
Wennington
Independent
Residents'
Group
(1)**

**Labour Group
(1)**

**Independent
Members:
(2)**
(with voting
rights)

Wendy Brice-
Thompson
(Chairman)
Pam Light
Geoff Starns

Andrew Mann

Jeffery Tucker

Keith Darvill

Tracey Moran
**(Vice-
Chairman)**
Jack Knowles

For information about the meeting please contact:
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NOTES ABOUT THE MEETING

1. HEALTH AND SAFETY

The Council is committed to protecting the health and safety of everyone who attends meetings of its Committees.

At the beginning of the meeting, there will be an announcement about what you should do if there is an emergency during its course. **For your own safety and that of others at the meeting, please comply with any instructions given to you about evacuation of the building, or any other safety related matters.**

2. MOBILE COMMUNICATIONS DEVICES

Although mobile phones, pagers and other such devices are an essential part of many people's lives, their use during a meeting can be disruptive and a nuisance. Everyone attending is asked therefore to ensure that any device is switched to silent operation or switched off completely.

3. CONDUCT AT THE MEETING

Although members of the public are welcome to attend meetings of the Committee, they have no right to speak at them. Seating for the public is, however, limited and the Council cannot guarantee that everyone who wants to be present in the meeting room can be accommodated. When it is known in advance that there is likely to be particular public interest in an item the Council will endeavour to provide an overspill room in which, by use of television links, members of the public will be able to see and hear most of the proceedings.

The Chairman of the meeting has discretion, however, to invite members of the public to ask questions or to respond to points raised by Members. Those who wish to do that may find it helpful to advise the Committee Officer before the meeting so that the Chairman is aware that someone wishes to ask a question.

PLEASE REMEMBER THAT THE CHAIRMAN MAY REQUIRE ANYONE WHO ACTS IN A DISRUPTIVE MANNER TO LEAVE THE MEETING AND THAT THE MEETING MAY BE ADJOURNED IF NECESSARY WHILE THAT IS ARRANGED.

If you need to leave the meeting before its end, please remember that others present have the right to listen to the proceedings without disruption. Please leave quietly and do not engage others in conversation until you have left the meeting room.

AGENDA ITEMS

1 CHAIRMAN'S ANNOUNCEMENTS

The Chairman will announce details of the arrangements in case of fire or other events that might require the meeting room or building's evacuation.

2 APOLOGIES FOR ABSENCE AND ANNOUNCEMENT OF SUBSTITUTE MEMBERS (if any) - receive.

3 DECLARATION OF INTERESTS

Members are invited to declare any interests in any of the items on the agenda at this point of the meeting. Members may still declare an interest in an item at any time prior to the consideration of the matter.

4 MINUTES

To approve as a correct record the minutes of the meeting of the Committee held on 25 September 2007 and to authorise the Chairman to sign them.

5 ETHICAL GOVERNANCE SURVEY – findings

6 USE OF RESOURCES 2008 AND THE ETHICAL GOVERNANCE REPORT

7 URGENT BUSINESS

To consider any other item in respect of which the Chairman is of the opinion, by reason of special circumstances which shall be specified in the minutes, that the item should be considered at the meeting as a matter of urgency.

Cheryl Coppell
Chief Executive

Standards Committee, 27 November 2007

**MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE
Havering Town Hall
25 September 2007 (7.30pm-9.10pm)**

Present:

COUNCILLORS:

Conservative Group Wendy Brice-Thompson (in the Chair),
Pam Light and Geoff Starns

Residents' Group + Clarence Barrett

**Rainham & Wennington
Independent Residents'
Group** Jeffery Tucker

Labour Group Keith Darvill

Independent Members Jack Knowles and Tracey Moran

+ Substitute Member: Councillor Clarence Barrett (for Andrew Mann)

Councillors Robert Benham, Dennis Bull, Ted Eden Chris Fox,, Linda Hawthorn, Robby Misir, Pat Mylod, Fred Osborne, Roger Ramsey, Barry Tebbutt, Lynden Thorpe and Melvin Wallace and co-opted Member Paul Sainsbury were present for that part of the meeting referred to minute 6.

An apology was received for the absence of Councillor Andrew Mann

The Chairman reminded Members of the action to be taken in the event of an emergency

5 MINUTES

The Minutes of the meeting of the Committee held on 6 June 2007 were agreed as a correct record.

Councillor Jeffery Tucker requested that it be recorded that he had intended to submit an apology for absence from that minute.

6 NEW CODE OF CONDUCT FOR ELECTED MEMBERS

The Committee noted that the Council had adopted the new Code at its meeting on 18 July 2007. A training session on the Code for Members and co-opted and independent Members had been held earlier in that month, and some of the Members who had been unable to attend that session were present at this meeting.

The Monitoring Officer gave a presentation, based on the July training session, that covered the principal issues of the new Code. At the end of the presentation, Members viewed a DVD film prepared by the Standards Board, which sought to illustrate some of the potential issues that could arise during Members' consideration of planning applications.

It was noted that further training sessions would be offered to Members who had not so far been able to attend training on the new Code.

7 MONITORING OF THE CODE OF CONDUCT AND LOCAL CODES AND PROTOCOLS

The Committee was advised that, in the year to September 2007, three complaints had been referred to the Standards Board, of which two were not referred for investigation while the third was outside the Board's jurisdiction.

Seven allegations or complaints had been referred to the Monitoring Officer: none had resulted in the need for formal action to be taken.

There had been no whistle-blowing complaints.



MEETING	DATE	ITEM
Governance Committee Standards Committee	21 November 2007 27 November 2007	5

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: Ethical Governance Survey – findings

SUMMARY

The Ethical Governance Survey is a "...survey of members and officers including awareness and understanding of ethical behaviour". This refers to all 54 members and all top 140 managers. The survey is administered by the Audit Commission and is conducted online.

This report outlines the findings of the report and recommendations arising.

RECOMMENDATIONS

Governance Committee

1. That Members note the contents of this report
2. That Governance Committee monitor the delivery of the action plan
3. That consideration is given to what steps Members could take to support the implementation of the action plan

Standards Committee

4. That Members note the contents of this report
5. That consideration is given to what steps Members could take to support the implementation of the action plan

REPORT DETAIL

1. During the summer, the Council carried out an ethical governance survey (hosted by the Audit Commission), targeted at all Members and all top managers.
2. The key finding is that there are no areas of major concern – the Audit Commission noted no areas of major concern.
3. Key Points
 - 3.1. The return rate for Members was comparatively low, but of those that completed the survey, the responses were more positive than for officers and are significantly above national averages in a number of cases;
 - 3.2. The Leader of the Council and the Chief Executive are viewed as positive role models and both are considered to be proactive in promoting the ethical agenda. Results in this respect are more positive than the national picture;
 - 3.3. Members are provided with clear guidelines regarding their personal conduct and their responsibilities under the ethical framework;
 - 3.4. Decision-making by Members is generally considered to be transparent and Members are considered to be accountable for their decisions and actions with the public generally having easy access to information on who has taken particular decisions;
 - 3.5. Most Members and officers consider that the whistle-blowing policy is used appropriately and without fear of reprisal; and
 - 3.6. Survey findings indicate that the public can easily access the Members' code of conduct, the register of Member interests, and documents relating to the Standards Committee.
4. However there were some areas that were identified as less positive:
 - 4.1. Member perceptions were generally positive. These include responses regarding: how open and constructive communication is with officers; ease at which the monitoring officer can fulfil his/her role appropriately; how good relationships and trust are between Members and senior officers; transparency of decision-making by Members and accountability for their decisions; whether there is a culture for challenging decisions without fear of reprisal; and strength of partnership working. However, without a more complete survey of Members it is difficult to assess if these perceptions are shared by other Members;
 - 4.2. There are a number of Members and officers who are unclear about what action to take if they believe there has been a failure to comply with the Member code of conduct;
 - 4.3. Member training/briefings on key legislation falls below national averages in a number of cases;

- 4.4. A significant percentage of senior officers disagree that the Council's approach to promoting ethical standards is building public confidence in local democracy;
 - 4.5. The role of the Standards Committee is not always well understood, particularly by officers. Not all respondents were convinced that it was making a difference or is effective;
 - 4.6. While the majority of respondents reported they had a good understanding of what a conflict of interest involved, a number of Members did not know what to do if they were appointed to an external body with a different code of conduct.
5. Recommendations made by the Audit Commission:
- 5.1. Provide further information to Members and officers about what action to take if they believe there has been a failure to comply with the Member code of conduct.
 - 5.2. The Council should establish the reasons why a significant percentage of senior officers tend to disagree that the Council's approach to promoting ethical standards is building public confidence in local democracy. The Council should then reconsider its approach as necessary to ensure that its actions have greater impact.
 - 5.3. Consider why the role of the Standards Committee is not always well understood. Consider whether more internal and external publicity is needed or whether the Committee needs to become more proactive.
 - 5.4. Re-publicise the whistle-blowing policy to Members and officers.
 - 5.5. Ensure that the requirements of Codes of Conduct are integrated into other schemes, policies and procedures, such as human rights, freedom of information, data protection and equalities policies, and conveyed to Members and officers.
 - 5.6. Ensure that Members receive appropriate training on key legislation such as the Human Rights, Data Protection and Freedom of Information Acts.
 - 5.7. Clarify what Members appointed to represent the Council on an external body should do if that body's internal rules conflict with the Council's code.
 - 5.8. The Council should undertake more thorough research on the views of Members to establish a firmer evidence base to plan the way forward and demonstrate:
 - 5.8.1. that the Council's approach to promoting ethical standards is encouraging appropriate behaviour;
 - 5.8.2. the extent to which Members are a focus for positive change;

- 5.8.3. how well the Monitoring Officer is supported to carry out her role effectively;
 - 5.8.4. open and constructive communication and trust between Members and officers;
 - 5.8.5. transparency of decision-making by Members and Member accountability for their decisions;
 - 5.8.6. that organisational culture allows officers, partners and the public to challenge decisions without fear of reprisal; and
 - 5.8.7. the strength of partnership working
6. Governance Group, chaired by Rita Greenwood (Group Director, Finance & Commercial) will ensure that these recommendations are implemented. It is suggested that Governance Committee oversee this implementation – see Recommendations at the head of this report.
7. Members can refer to the detailed ‘Recommendations Action Plan’ (see background papers) for responsibilities and timescales.

Financial Implications and risks:

There are no financial implications or risks arising directly as the report and the recommendations of the Audit Commission impose no costs (with the exception of officer time, which is already currently funded) and does not impact on any future funding.

Legal Implications and risks:

There are no legal implications or risks as the report concludes that all statutory requirements are being met.

Human Resources Implications and risks:

There are no Human Resources implications. Most of the recommendations can be met through existing processes.

Equalities and Social Inclusion implications:

The results of the survey show that there are some improvements required to ensure that the requirements of Codes of Conduct are integrated into other schemes, policies and procedures, such as human rights, freedom of information, data protection and equalities policies. The report also finds that the Council should ensure that Members are fully briefed on key legislation such as the Human Rights, Data Protection and Freedom of Information Acts.

Governance Committee, 21 November 2007
Standards Committee, 27 November 2007

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CHERYL COPPELL
Chief Executive

Background Papers List

- Previous report to Governance Committee (20th March)
- 'Why undertake this survey?'
- Setting High Ethical Standards (Audit Commission)
- Recommendations Action Plan

Governance Committee, 21 November 2007
Standards Committee, 27 November 2007



MEETING	DATE	ITEM
STANDARDS COMMITTEE	27 November 2007	6

REPORT OF THE CHIEF EXECUTIVE

SUBJECT: Use of Resources 2008 and the Ethical Governance Report

SUMMARY

The Audit Commission's Use of Resources assessment for 2008 will include an assessment in respect of some new areas concerning Standards Committee matters. The report of the Audit Commission on the Ethical Governance Survey has also hi-lighted areas for improvement.

RECOMMENDATION

That this Committee notes the proposed assessment for the Use of Resources and the areas for improvement within the Ethical Governance report affecting this committee and approves the Action Plan set out in Appendix B, subject to any amendments made in the light of paragraph 2.

REPORT DETAIL

1. The terms of reference of the Standards Committee are set out in Appendix A for Member's information.
2. The Use of Resources assessment 2008 requires the following action;

The work of the Standards Committee is communicated openly to a wider public. Where appropriate, the Council has taken effective action, learning from issues arising from local investigations and determinations.

This committee will be aware that Local investigations and determinations have been publicised and covered as part of the Monitoring Report received on a regular basis and the new arrangements for local investigations under the Local Government and Involvement in Public Health Bill has been the subject of a report to this committee. Work is required however on communicating the role and work of the Standards Committee to the wider public. Currently this is publicised by way of the Constitution only. Members are asked to consider this in the light of the action plan and suggest possible ways forward. The issue for the Standards Committee is therefore how to better communicate what it does to the wider public.

3. The outcome of the Ethical Governance Survey is similar to some extent and the particular actions are set out below.

Provide further information to Members and officers about what action to take if they believe there has been a failure to comply with the Member code of conduct.

This can be fairly easily achieved by a letter to Members and Staff or by a Global e-mail or by Articles in newsletter/training

Consider why the role of the Standards Committee is not always well understood. Consider whether more internal and external publicity is needed or whether the Committee needs to become more proactive.

This is similar to the action required above although it also concerns the Committee being more proactive. Members may wish to take a view on this and provide some suggestions for the action plan.

Ensure that the requirements of Codes of Conduct are integrated into other schemes, policies and procedures, such as human rights, freedom of information, data protection and equalities policies, and conveyed to Members and officers

This has been an Audit Commission issue for some time but is not an easy one to achieve and further information is being sought.

Clarify what Members appointed to represent the Council on an external body should do if that body's internal rules conflict with the Council's code.

This can be easily facilitated by advice to Members

Financial Implications and risk:

None directly relevant to this report

HR Implications and risk:

There may be some matters which can be dealt with by Member training but this can be delivered in house.

Legal Implications and risk:

The Use of Resources will be assessed in 2008 by the Audit Commission and in order to fare well in that assessment the Council needs to endeavour to deal with all the Audit Commission's recommendations.

The Audit Commission have recently reported on the Council's Ethical Governance Survey and have produced a list of actions required which will be the subject of formal review.

There is a risk that unless all these actions are delivered that the Council will be seen as not progressing external recommendations.

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Telephone No: 01708 432442

CHERYL COPPELL
Chief Executive

Background Papers List

E-mail correspondence

APPENDIX A

Council committee	Membership	Functions
Standards	<ul style="list-style-type: none"> • 6 members of the authority, one of whom may be a Cabinet member but who may not be Chairman the committee; the Leader may not be a member • 2 independent members, both with voting rights • The Vice Chairman of the Committee is an Independent Member. 	<p>General</p> <ul style="list-style-type: none"> • To promote and maintain high standards of conduct by the members and co-opted members of the authority • To assist members and co-opted members of the authority to observe the authority's code of conduct • To monitor, advise on, and educate members in matters relating to Council guidelines on conduct and/or probity • To hear, determine and report upon any local matters including the application of relevant and permitted sanctions • To make any report to the Council and to take any appropriate action arising from the terms of reference, legislation and regulations • hearing, determining and reporting upon any matters relating to breach of the Rules regarding the Party Whip set out in Article 13.09 including the application of relevant and permitted sanctions. <p>Members' code of conduct</p> <ul style="list-style-type: none"> • To advise the authority on the adoption or revision of a code of conduct • To monitor the operation of the authority's code of conduct • To advise, train or arrange to train members and co-opted members of the authority on matters relating to the authority's code of conduct <p>Guidelines for members in dealing with staff</p> <ul style="list-style-type: none"> • To advise the authority on the adoption or revision of the Guidelines on members dealing with staff • To monitor the operation of the authority's Guidelines on members dealing with staff • To advise, train or arrange to train members and co-opted members of the authority on matters relating to the authority's Guidelines on members dealing with staff <p>Protocol on probity in planning</p> <ul style="list-style-type: none"> • To advise the authority on the adoption or revision of the Protocol on Probity in Planning • To monitor the operation of the authority's Protocol on Probity in Planning

Council committee	Membership	Functions
		<ul style="list-style-type: none"> • To advise, train or arrange to train members and co-opted members of the authority on matters relating to the authority's Protocol on Probity in Planning <p>Whistleblowing Policy and Procedure</p> <ul style="list-style-type: none"> • To monitor and evaluate complaint numbers and general types made in respect of the Council Whistleblowing policy and procedure and to make any recommendations for improvement to staff and/or Cabinet <p>Adjudication</p> <ul style="list-style-type: none"> • To consider a notice from a case tribunal or interim case tribunal of the Adjudication Panel for England and prepare a report on the notice as required by the Local Government Act 2000 • To prepare a report responding to any recommendations made to the authority by a case tribunal of the Adjudication Panel for England, and to take any appropriate action as a result of those recommendations <p>Standards Board for England</p> <ul style="list-style-type: none"> • To consider any matters as may be referred by the Standards Board for England <p><i>From the date of the coming into force of regulations made by the Secretary of State:</i></p> <ul style="list-style-type: none"> • To consider any report and recommendations made by the monitoring officer to the committee • To take any action prescribed by the regulations, including censuring a member or suspending or partially suspending a person from being a member <p>Register of members' interests</p> <ul style="list-style-type: none"> • To issue guidelines to members about how to make a declaration of interest • To grant a dispensation to a member participating in a business which is prohibited under the members' code of conduct, in accordance with any regulations made by the Secretary of State

APPENDIX B

	Action	Comments	Date
1	Provide further information to Members and officers about what action to take if they believe there has been a failure to comply with the Member code of conduct.	Possible <ul style="list-style-type: none"> • Letter • Article in Talking Point • Note on Calendar Brief • Training • Global e-mail 	January 2008
2	Consider why the role of the Standards Committee is not always well understood. Consider whether more internal and external publicity is needed or whether the Committee needs to become more proactive.	The subject of this report and to be considered by this Committee	December 2007
3	Ensure that the requirements of Codes of Conduct are integrated into other schemes, policies and procedures, such as human rights, freedom of information, data protection and equalities policies, and conveyed to Members and officers	This requires: <ol style="list-style-type: none"> 1. Policies and Procedures being consistent with Code of Conduct. These are checked as a matter of course. 2. Demonstration to Members that their conduct is governed by legislation as well as the Code. Again this is done as a matter of course 	Ongoing
4	Clarify what Members appointed to represent the Council on an external body should do if that body's internal rules conflict with the Council's code.	<ul style="list-style-type: none"> • Dealt with in training of Member Code of Conduct as a generality • Letter to Members • Update` on Calendar Brief 	October 2008
5	The work of the Standards Committee is communicated openly to a wider public. Where appropriate, the Council has taken effective action, learning from issues arising from local investigations and determinations.	Local investigations and determinations have been publicised and covered as part of the Monitoring Report. Work is required on	December 2007

Standards Committee, 27 November 2007

		Communicating the role and work of the Standards Committee to the wider public. Currently this is publicised by way of the Constitution only. See 2 above as there is some overlap	
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