

Standards Committee

To: C Bainton (Independent Member, in the Chair),
Councillors: I Waudby (Vice-Chair), Scott, D'Agorne,
R Leaman (Independent Member) and D Crawford
(Parish Council Member)

Date: Friday, 26 January 2007

Time: 3.00 pm

Venue: The Guildhall, York

AGENDA

- 1. Declarations of Interest**
At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.
- 2. Minutes** (Pages 1 - 6)
To approve and sign the minutes of the meeting of the Standards Committee held on 17 November 2006.
- 3. Public Participation**
At this point in the meeting, members of the public who have registered their wish to speak, regarding an item on the agenda or an issue within the remit of the Standards Committee, may do so. The deadline for registering is 5pm on Thursday 25 January 2007.
- 4. Review of Workplan** (Pages 7 - 8)
To review the workplan for the Standards Committee for the 2006/2007 municipal year.
- 5. Confidentiality & Transparency Scrutiny Panel Recommendations**

To receive a verbal update on the recommendations of the Confidentiality & Transparency Scrutiny Panel.

6. Amendments to the Members' Code of Conduct

To receive a verbal update concerning amendments to the Members' Code of Conduct.

7. Advice to Elected Members & Senior Officers (Pages 9 - 14) re: Activities during the pre-election period

This report proposes a draft letter for circulation to all Elected Members and senior officers for consideration by the Standards Committee.

8. Ethical Governance Audit (Pages 15 - 18)

This report provides information to the Standards Committee on the process of undertaking an Ethical Governance Audit and proposals for undertaking this process in City of York Council.

9. Any other business which the Chair decides is urgent under the Local Government Act 1972.

Democracy Officer:

Name: Tracy Wallis

Contact Details:

- Telephone – (01904) 551027
- E-mail – tracy.wallis@york.gov.uk

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

City of York Council

Minutes

MEETING	STANDARDS COMMITTEE
DATE	17 NOVEMBER 2006
PRESENT	COUNCILLORS BAINTON (INDEPENDENT MEMBER, IN THE CHAIR), SCOTT, LEAMAN (INDEPENDENT MEMBER) AND CRAWFORD (PARISH COUNCIL MEMBER)
APOLOGIES	COUNCILLORS I WAUDBY AND D'AGORNE

46. DECLARATIONS OF INTEREST

Members were invited to declare any personal or prejudicial interests they had in the business on the agenda. No interests were declared.

47. MINUTES

RESOLVED: That the minutes of the meeting held on 6 October 2006 be approved and signed as a correct record.

48. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak at the meeting under the Council's public participation scheme.

49. REVIEW OF WORKPLAN

Members reviewed the workplan for the Standards Committee for the 2006/07 municipal year. It was agreed that the item on Confidentiality & Transparency would be considered at the meeting scheduled for 26 January 2007, and Members were informed that the item on the Comprehensive Performance Assessment would not be available for consideration before late 2007. The workplan shown at Annex 1 was amended to reflect those changes.

50. UPDATE ON THE REVIEW OF THE COMPLAINTS PROCEDURE

Members considered a report which detailed the progress made to date in the review of the Council's Complaints Procedure.

The report highlighted the formation of a Complaints Procedure project team which included representatives from the service delivery Directorates and the corporate centre, together with the independent member of the standards committee. They had identified a number of issues for consideration which included:

- What was a complaint and what information would be available to staff to assist in the identification of a complaint
- how would a complaint be recorded and who would it be passed to
- If deemed necessary, how would an investigation be undertaken and who would decide on the necessary action
- What were the timescales for resolution and who should be informed of the outcome of an investigation
- How would we know if the customer was satisfied and what advice would they receive if they were not
- How would information on the lessons learnt be captured and how would we ensure that agreed changes to practice actually took place - How would that be monitored?

Meeting dates had been set to consider specific briefs to ensure the review was completed promptly and these were set out in the report. It was agreed that the consultation process was an essential part of the review so it would be necessary to continue using the existing procedure until the outcome of the review was known.

Members agreed that the three stages of the complaint procedure were necessary and that a timescale should be set and adhered to for dealing with each stage.

RESOLVED: Members noted the progress of the review and the dates set for future meetings of the project team.

51. THE FIFTH ANNUAL ASSEMBLY OF THE STANDARDS COMMITTEES CONFERENCE HELD ON 16 & 17 OCTOBER 2006

Members considered a report from the Head of Civic, Democratic & Legal Services following her attendance at the Annual Assembly of Standards Committees on 16 and 17 October 2006.

The report detailed the lectures and workshops attended by the Head of Civic, Democratic & Legal Services which included:

- A keynote speech by Local Government Minister, Phil Woolas MP, setting out his proposals for the future of the ethical framework which was to include the circulation of a revised draft Code of Conduct in November 2006 for consultation. It was noted that to date this had not been received even though implementation was expected at the start of the new municipal year.
- A keynote speech by Patricia Hughes, Deputy Chair of the Standards Board for England, regarding the revised Code of Conduct. Plus, an overview of the Standards Board's plans for transforming itself into a

strategic regulator. A copy of the speech was provided at Annex 1 of the report.

- A presentation on the components of an effective ethical environment. They included the importance of establishing an ethical culture within an organisation and the two roles of a Standards Committee – enforcement of rules and a pre-emptive role of guidance requiring a more proactive approach to the ethical framework . The presentation also detailed the Audit Commission’s perspective on the corporate governance of an organisation.
- A presentation giving feedback from a questionnaire completed by Standards Committee Members for research carried on behalf of the Standards Board for England. The key findings were detailed in Annex 2 of the report.
- A discussion on whether good ethical governance would lead to better public trust in local politics and greater democratic engagement. It was suggested that the use of informal action by Monitoring Officers when dealing with minor issues, would improve behaviour, and it was agreed that organisations should be proactive in advising Officers and Members.
- A workshop which looked at the proposed amendments to the Code of Conduct and the key issues for Monitoring Officers. Members expressed concern about the issue of ‘National Consistency’ as it would be difficult to ensure it was achieved.

RESOLVED: Members noted the issues being discussed at a national level as detailed in the report.

CHRISTINE BAINTON
Independent Member, In The Chair

The meeting started at 3.30 pm and finished at 4.40 pm.

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2006/07 Workplan for Standards Committee

Ongoing Activities

Cases referred for investigation or determination
 Database of Standards Committee topics
 Standards Board Guidance
 Parish Council Issues
 Member and Officer Training

Programme of New Work

<u>Programme of New Work</u>	<u>Meeting Date</u>	<u>Communication / Strategic Activity</u>
Confidentiality and Transparency – Conclusions of the Executive on the report of the Scrutiny Panel	26 January 2007	
Amendments to the Members' Code of Conduct	26 January 2007	
Advice to Elected Members re activities during the purdah period	26 January 2007	
Ethical Governance Audit	26 January 2007	
Presentation on new Committee Management System	23 March 2007	
Annual Report	23 March 2007	
Report of the Committee on Standards in Public Life	19 May 07	
Parish Councils – Good Practice at Meetings	May 2007	
Review of the Complaints Procedure	TBA	
Employee Code of Conduct – Member/Officer training.	2006/07	

Programme of New Work

Meeting Date

Communication / Strategic Activity

Full Ethical Audit

2006/07

Yes

Comprehensive Performance Assessment (CPA) – contribution of Standards Committee

TBA (Late 2007)

2006/07 Workplan for Standards Committee

Ongoing Activities

Cases referred for investigation or determination
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Programme of New Work

Meeting Date

Communication / Strategic Activity

Full Ethical Audit

2006/07

Yes

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TBA (Late 2007)



Standards Committee

26 January 2007

Report of the Head of Civic, Democratic & Legal Services

ADVICE TO ELECTED MEMBERS REGARDING ACTIVITIES DURING THE PRE-ELECTION PERIOD**Summary**

1. This report proposes a draft letter for circulation to all Elected Members and senior officers for consideration by the Standards Committee.

Background

2. Article 8 of the Council's Constitution sets out the general role of the Standards Committee and includes the following :
 - Seek to promote and maintain a high standard of conduct in the transaction of all Council and local Council business.
 - Assist in the observation of the Members' Code of Conduct
 - Take a general overview on all ethical issues and issues of probity.
3. The Scheme of Delegation in the Council's Constitution includes the general role detailed above and in addition includes the function of advising, training or arranging to train Members and Co-opted Members of the Council on matters relating to the Council's Code of Conduct, and to provide advice to the Council and local Councils in respect of any issues relating to Member conduct under the current legislation, regulations and the National Code of Conduct for Members.
4. In the pre-election period the Council needs to have particular regard to the provisions of Section 2 of the Local Government Act 1986 ("the Act"), which states that "a local authority shall not publish any material which, in whole or in part, appears to be designed to effect public support for a political party."
5. Publicity is defined very widely in Section 6 of the Act as "any communication, in whatever form, addressed to the public at large or to a section of the public". This not only includes documents published but can also include Council meetings and Council organised events.
6. Under Section 4 of the same Act a Code of Recommended Practice on Local Authority Publicity ("the Code") has been published. Section 4 of the Act

requires Local Authorities to have regard to the Code at any time when they come to a decision on publicity. The Code gives specific guidance on publicity produced in the run-up to an election, but the general provisions must also be borne in mind at all times and states:

“The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual Members or groups of Members. However, it is acceptable for the Authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a Member-level response to an important event outside the Authority’s control. Proactive events arranged in this period should not involve Members likely to be standing for election.”

7. On 3 May 2007 all existing City of York Council Members’ are subject to re-election. Effectively that means that, subject to a small number of Members who may choose not to stand for re-election, most Members will be candidates. In addition, a number of Members will also be acting as Election Agents, therefore most existing elected Members will be actively participating in the election. It is, therefore, important that Members understand the statutory position regarding Council publicity.
8. Attached at Annex 1 to this report is a draft letter to be sent to all Members and the Corporate Leadership Group setting out the advice in the Code as a reminder of the Council’s obligations. The Standards Committee are asked to consider the draft.

Consultation

9. The Head of Civic, Democratic and Legal Services has been in consultation with a West Yorkshire Authority regarding their election arrangements and has had sight of similar correspondence sent to their Members.

Options

10. The options available to the Standards Committee are :
 - (i) to approve the letter as drafted;
 - (ii) to amend the letter prior to approval;
 - (iii) to resolve not to send the letter.

Analysis

11. The Head of Civic, Democratic and Legal Services is of the opinion that all Members and senior officers should be made aware of the legal position. Failure to do so could leave individual Members vulnerable to inadvertently

acting inappropriately, which in turn could leave the Council vulnerable to a risk of breaching the Act and Code as detailed above.

Corporate Priorities

12. The Council has identified the need to improve leadership at all levels to provide clear, consistent direction to the organisation. Proper advice on issues of conduct will promote leadership and assist in meeting this corporate priority.

Implications

13. There are no Financial, Human Resources, Equalities, Crime and Disorder, Information Technology, Property or Other implications.

Legal Implications

As detailed in paragraph 11 above, inappropriate activities by Members during the pre-election period could leave the Council vulnerable to a claim for failure to comply with statutory provisions and appropriate guidance.

Risk Management

14. Providing Members and senior officers with appropriate advice about the legal requirements will reduce the risk of the Council inadvertently breaching the statutory requirements.

Recommendations

15. The Standards Committee are asked to consider the attached draft letter and approve it as written or agree appropriate amendments.

Reason: To ensure all Members and senior officers are provided with appropriate information to assist in their activities during the pre-election period.

Contact Details

Author:

Suzan Hemingway
Head of Civic, Democratic &
Legal Services
Chief Executive's Department
Tel No. 01904 551004

Chief Officer Responsible for the report:

Suzan Hemingway
Head of Civic, Democratic & Legal Services

Report Approved



Date 15 January 2007

Specialist Implications Officer(s)

Legal

Suzan Hemingway
Head of Civic, Democratic & Legal Services
Tel No. 01904 551004

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

Annex 1 - A draft letter to be sent to all Members and the Corporate Leadership Group setting out the advice in the Code of Recommended Practice on Local Authority Publicity as a reminder of the Council's obligations

Draft Letter

Dear Councillor/Colleague

PRE-ELECTION ACTIVITIES

I write to provide guidance in respect of activities in the lead-up to the Council Elections on 3 May 2007. Members and officers will be aware that under the provisions of the Local Government Act 1986 the Council must not publish any material which, in whole or in part, appears to be designed to effect public support for a political party'.

The 1986 Act defines publicity very widely and includes any communication, in whatever form, addressed to the public at large or to a section of the public. This not only includes documents published but can also include Council meetings and Council organised events.

This does not mean that the Council cannot publish information about the delivery of services or the Council's performance but must ensure that such publicity meets the requirements of the Act.

These provisions apply at all times but are more sensitive in the pre-election period. Section 4 of the 1986 Act introduces a Code of Recommended Practice on Local Authority Publicity which gives specific advice regarding this period and states that :

“The period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the election. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual Members or groups of Members. However, it is acceptable for the Authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a Member-level response to an important event outside the Authority's control. Proactive events arranged in this period should not involve Members likely to be standing for election.”

In considering whether certain activities should be undertaken in the lead-up to the elections and the role of members in such activities I suggest that three issues must be considered :

1. Is there a valid reason for the Councillor concerned to represent the Council on this issue and is the information presented on behalf of the Council in accordance with the Act and Code.
2. Is there a good reason why the activity/meeting should be happening now rather than after the election.
3. Can the Council demonstrate to an outside observer that the purpose of the activity is not that of pre-election publicity.

I emphasise that the purpose of these restrictions during the period between the notice of election and the election itself is not to prevent the Council carrying out its normal business but to prevent business conducted during this period being used to secure an electoral advantage. It is important that Members distinguish between their Council activities and those they conduct as candidates or in support for candidates.

If individual Members or officers would like advice on activities before 3 May 2007 please contact the Monitoring Officer for assistance.

Yours sincerely,

Suzan Hemingway
Head of Civic, Democratic & Legal Services

Distribution:

To All Members of City of York Council

cc Corporate Leadership Group



Standards Committee**26 January 2007**

Report of the Head of Civic, Democratic and Legal Services

ETHICAL GOVERNANCE AUDIT**Summary**

1. This report provides information to the Standards Committee on the process of undertaking an Ethical Governance Audit and proposals for undertaking this process in City of York Council.

Background

2. City of York Council through its Standards Committee and Officer Governance Group has for some time recognised the need to consider undertaking an Ethical Governance Audit to help in establishing good, corporate governance by reviewing and then improving the ethical performance of the Council.
3. The Standards Committee has included the consideration of an Ethical Governance Audit in its work plan and the Officer Governance Group has also included it in the key issues to be addressed by the Group, which was reviewed and approved by the Standards Committee at their meeting on 6 October 2006.
4. City of York Council recognises that high ethical standards are a cornerstone of good governance. The Audit Commission has also recognised the importance of the ethical agenda and has included an ethics component in their triennial Comprehensive Performance Assessment and in its annual assessment of the Council's "use of resources". The Audit Commission is developing an approach to the inspection of corporate governance arrangements as they impact on service quality and continuous improvement.
5. The Ethical Governance Audit has been developed to assist Councils in achieving progress in the promotion and maintenance of high standards of conduct by Members and staff and the integration of the ethical framework into the Council's operations. The audit examines current procedures and practices, the implementation of the ethical framework and checks and reviews progress.
6. In addition, the audit will provide a review to highlight deficiencies arising from poor systems and procedures. It is used as a diagnostic tool to aid implementation of the ethical framework and ensure a robust approach to monitoring, review and updating.

Specifically the audit can be used to :

- Ensure that Council arrangements are open, accountable and ethically strong
 - Promote high standards of conduct
 - Assist in building a “bond of trust” between Councils and communities
 - Identify best practice for sharing and dissemination.
7. The audit examines the Council’s written procedures and protocols and how those procedures are applied in practice using questionnaires and interviews with Members, staff and other relevant interests in the Authority’s operations. This provides information for the Authority and identifies potential problem areas and risk factors, gaps between official and actual values and barriers to ethical operation.
 8. The Audit Commission and the IdEA has designed a toolkit which involves a self-assessment survey and a full audit. Once areas for improvement are identified developmental workshops using ethical scenarios can be used to increase awareness and understanding of the Code of Conduct and ethical behaviour. These workshops can be tailored to meet specific needs of an individual authority.
 9. It is recommended that to get full benefit from the toolkit materials that Councils use trained practitioners from either the Audit Commission or the IdEA. Trained practitioners will constructively challenge existing processes, procedures, culture and behaviour. In addition, the use of external providers ensures that the process is effective and transparent. It is recognised that the Standards Committee is likely to have a lead role in the ethical audit both in terms of providing the information and participating in the developmental programme following identification of areas for improvement.
 10. The proposal to undertake an Ethical Governance Audit was discussed by the Officer Governance Group at their meeting on 8 January 2007. At that meeting it was proposed that the Head of Civic, Democratic and Legal Services draft an invitation to quote for trained practitioners to undertake the Ethical Governance Audit.
 11. In addition, the Officer Governance Group agreed that as part of the brief for the appointed trained practitioners they should be asked to produce a programme for undertaking the Ethical Governance Audit and specifically identify the roles of both the Officer Governance Group and the Standards Committee in undertaking the audit and implementing its findings.

Consultation

12. The Ethical Governance Audit will involve a specific programme of consultation, which will be reported to the Standards Committee in due course.

Options

13. Not applicable to this report.

Analysis

14. Not applicable to this report.

Corporate Priorities

15. The Council has identified the need to improve leadership at all levels to provide clear, consistent direction to the organisation. Regard to the ethical agenda will promote leadership and assist in meeting this corporate priority.

Implications

16. There are no Financial, Human Resources, Equalities, Legal Crime and Disorder, Information Technology, Property or Other implications.

Risk Management

17. Proper regard to the ethical agenda and identifying areas for improvement will reduce the risk of challenge in terms of the behaviour of Members and Officers and the decisions taken by the Council.

Recommendations

18. It is recommended that Members of the Standards Committee :
 - (a) Note the contents of this report and the process for progressing the Ethical Governance Audit; and
 - (b) Reaffirm their commitment to participating and supporting the Ethical Governance Audit.

Reason: To ensure the Council can demonstrate good corporate governance arrangements.

Contact Details

Author:

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Head of Civic, Democratic &
Legal Services
Chief Executive's Department
Tel No. 01904 551004

Chief Officer Responsible for the report:

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Head of Civic, Democratic & Legal Services

Report Approved

Date 15 January 2007

Specialist Implications Officer(s)

None

Wards Affected:

All

For further information please contact the author of the report

Background Papers:

None

Annexes

None