

## **STANDARDS COMMITTEE**

Minutes of the meeting held at 7.00 pm on 19 January 2011

### **Present:**

Dr Simon Davey (Chairman)  
Mr Jonathan Prince (Vice-Chairman)  
Mr Richard Allen, Councillor Peter Dean, Councillor Peter Fookes, Mr Nicholas Marcar, Councillor Alexa Michael and Councillor Stephen Wells

### **Also Present:**

Councillor Stephen Carr and Councillor Michael Tickner

### **13 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Cllr Tom Papworth.

### **14 DECLARATIONS OF INTEREST**

There were none.

### **15 MINUTES OF THE MEETING HELD ON 7TH JUNE 2010 AND MATTERS ARISING**

The Committee agreed that work on a communications plan should be deferred until the position was clearer about any changes that would result from forthcoming legislation; they also agreed that any further consideration of how gifts and hospitality issues might be explored should be undertaken in the light of future changes to the regime around member declaration of interests.

The Committee considered the Code of Corporate Governance elsewhere on this agenda, which provided a clear ethical governance framework, so the Committee agreed that this piece of work should be regarded as completed. They also noted that the Council had joint working protocols on Standards in place with Bexley and some other Kent authorities, and agreed that no further work would be beneficial until the picture was clearer on the future Standards regime and requirements.

**RESOLVED that the Minutes of 7<sup>th</sup> June 2010 be agreed as a correct record.**

### **16 QUESTIONS FROM MEMBERS OF THE PUBLIC ATTENDING THE MEETING**

There were none.

## **17           DISPENSATIONS**

No requests had been received.

## **18           THE LOCALISM BILL**

Mark Bowen, Monitoring Officer, gave a short presentation to the Committee, outlining a number of the implications within the Localism Bill for the future of the Standards regime. It was agreed that the slides used would be circulated to members of the Committee who were not present throughout.

This included proposals to abolish the national Code of Conduct, Standards for England and the requirement for councils to have a Standards Committee; and changes to legislation relating to member declarations of interest and to decision-making principles such as pre-determination and bias.

The Chief Executive and Leader of the Council were present for the subsequent discussion.

There was a consensus amongst members of the Committee that it was important for the Council to self-regulate councillor behaviour when they were acting in an official capacity, although there was some concern about whether weaker local sanctions would have real impact should anyone persist in unacceptable behaviour or attitudes. This was an issue that the Committee felt needed to be kept under close scrutiny as the legislation proceeded through Parliament, and that they felt would need to be discussed locally between the different Party group leaders.

There was also agreement by the Committee that it was desirable to retain some form of lead body on ethical issues, to reassure local residents that the Council remains committed to open, transparent and fair decision-making processes, which are kept under appropriate scrutiny and review. However, there was concern about finding ways, in whatever options were considered locally once the legislative requirements were clear and finalised, of enabling independents to play a full and meaningful role in any future arrangements, both in terms of hearing complaints and also contributing to more general ethical governance discussions.

The Leader undertook to discuss approaches to future standards arrangements with the other political party leaders. Given the current uncertainties on a variety of issues around standards arrangements because of the early stage of legislative process, it was felt that no further proposals could be brought forward at this stage; but that by the early summer it would be useful to consider emerging options for future structures and roles.

**RESOLVED that a report be put to the June 2011 meeting of the Standards Committee outlining different options for future ethical governance arrangements and roles.**

## 19 CODE OF CORPORATE GOVERNANCE

The Committee welcomed Mark Gibson, Assistant Director (Audit and Technical), who was attending to discuss the Code of Corporate Governance.

This report had already been considered by Audit Sub-Committee, whose comments had been incorporated into the version circulated to this Committee. The Code had been developed from that endorsed by this Committee in the previous year by the addition of further requirements relating to the role of the Chief Financial Officer, in line with guidance from the Chartered Institute of Public Finance (CIPFA). Mr Gibson also explained that for the future the role of his audit team would be incorporating not only core fraud, systems and probity work but, increasingly, reviewing broader efficiency and value for money arrangements connected with selected audited areas.

Internal Audit has undertaken work to check that all the processes listed in the Code were in place and working correctly; and the latest Use of Resources audit (undertaken externally by PwC) expressed the view that this was an area of strong performance, including references to the positive impact of Standards Committee work. However, it was emphasised that this area would no longer be mandatory in future audit requirements.

The Committee expressed their view that this was a very helpful document, and felt that the Appendix, summarising the relationship between core principles of governance and supporting policies and processes, especially useful.

Specific questions and issues were discussed concerning the extent to which Audit Commission recommendations and good practice checklists on fraud were being incorporated into Bromley's local anti-fraud and corruption work; ways in which due diligence work on partnership working was undertaken and incorporated or highlighted within risk management processes and guidance; the use of independent hotlines to cover fraud (and their potential to enhance whistle-blowing processes); and the role of scrutiny committees in ensuring that the aspirations of the Code are realised in practice at a service delivery level.

Some suggestions were made on minor wording changes and it was agreed that Mark Gibson would speak to the councillors who had made these outside the meeting to finalise the text prior to submission to Council.

**RESOLVED that, subject to the minor changes mentioned above, the Committee endorse the revised Code of Governance for adoption by the Council**

## 20 MONITORING OFFICER'S GENERAL REPORT

The Committee received a report which updated them on the likely timetable of the Localism Bill's progress into legislation, and the status of the current

Standards regime until that point; and on the resignation of Mr George Kidd, an independent member of the Committee.

**RESOLVED that**

- (1) the recent publication of the Localism Bill be noted;**
- (2) the fact that the current Standards regime remains in being until further legislation is passed be noted; and**
- (3) the resignation of Mr George Kidd from the Committee be noted; and**
- (4) the Monitoring Officer be requested to pass on the Committee's thanks to Mr Kidd for his interest in, and contribution to, its work during his tenure**

**21 RAISING CONCERNS - ANNUAL REPORT**

The Committee received a report on the operation of the Council's whistle-blowing procedure ('Raising Concerns') between October 2009 to September 2010.

The procedure is promoted both in hard copy posters and via the Council intranet internally; through all Council contractors; and to the public via the Council's website. Three issues had been raised through this channel, all of which related to schools employment matters, and whilst not matters that fell for action under this scheme they were considered and dealt with speedily and appropriately.

**RESOLVED that the information contained in the report be noted.**

**22 ETHICAL INDICATORS**

The Committee received a report on a selection of ethical indicators, as at 31<sup>st</sup> December 2010.

**RESOLVED that the information provided in the report be noted.**

**23 STANDARDS COMMITTEE WORK PROGRAMME**

The Committee considered its current Work Programme, which had been subject to considerable change because of meeting postponements caused by delays to the publication of the Localism Bill, and a number of items being held back pending further consideration of the likely future work and role of this Committee in the light of forthcoming legislation..

**RESOLVED that**

- (1) a final meeting for this year be arranged for March 2011, to cover the Annual Report and staff survey feedback; and**

**(2) for the 2011/12 year meetings be arranged for June 2011 (with the aim of focussing on options for future local Standards arrangements) and December 2011**

**24 LOCAL GOVERNMENT ACT 1972 AS SUBSEQUENTLY AMENDED**

**25 COMPLAINTS (if any)**

A filtering hearing, covering 2 complaints relating to 3 councillors, had taken place earlier in the evening.

The Meeting ended at 9.10 pm

Chairman