

Wolverhampton City Council

OPEN DECISION ITEM

Committee/ Panel	STANDARDS COMMITTEE	Date: 11 JUNE 2009
Originating Service Group(s)	CUSTOMER AND SHARED SERVICES	
Contact Officer(s)/	S KEMBREY/F DAVIS	
Telephone Number(s)	4910/4932	
Title/Subject Matter	<u>STANDARDS BOARD FOR ENGLAND - ANNUAL RETURN</u>	

1.0 **Recommendation**

Members are recommended to:-

1. Note the Annual Return for 2008/9 which has been submitted to the Standards Board for England.
2. Develop the Standards Committee Work Plan 2009/10 to include the matters detailed at Paragraph 4.1 of this report.
3. That the Annual Return be referred to Council.

STANDARDS BOARD FOR ENGLAND - ANNUAL RETURN

1. Purpose of Report

- 1.1 To provide information on the Annual Return which has been submitted to the Standards Board for England which gives details of the ethical governance framework within the Council. Also, to consider issues arising from the Annual Return which may need to be included in this Committee's Work Plan for 2009/10 and to consider referral of the Annual Return to Council to support wider governance arrangements and the ethical framework as recommended by the Standards Board for England.

2. Background

- 2.1 The Standards Board for England has a strategic role in connection with the ethical framework. Any complaints alleging that Members have failed to follow the Code of Conduct for Members are now dealt with via the Standards Committee. The Standards Board for England in that strategic role now collates information from Local Authorities about the local standards arrangements which have been in place since 8 May 2008. This is the first Annual Return the Council has been required to complete and almost certainly this will now become an annual feature of the Standards Board for England's work.
- 2.2 Standards Committee information is collated at two levels. The Quarterly Return from authorities provides information about case handling. The Quarterly Returns for Wolverhampton City Council during 08/9 have been submitted by the Monitoring Officer and details have been provided to this Committee in the Monitoring Officer's report to each Committee. This practice will continue during 09/10.
- 2.3 In addition to the Quarterly Reports, the Standards Board for England also requires the Monitoring Officer to submit an Annual Return. The purpose of the return is to detail the arrangements which are in place to ensure and promote high ethical standards detailing the way the authority supports ethical standards as a whole, not just how it handles individual complaints. The Annual Return is an opportunity for authorities to inform the Standards Board for England of particular achievements and successes in supporting and promoting the ethical framework within the authority and is intended to compliment the Quarterly Return.

3. The Annual Return

- 3.1 The Annual Return 08/09 which has been submitted to the Standards Board for England is appended to this report.
- 3.2 The Annual Return includes information on the culture and wider governance arrangements within the authority. Information contained within the Annual Return includes details on the role of the Standards Committee, the Committee's role in promoting high standards of conduct together with information on training, leadership, complaints, member/officer relations, registering of interests, and officer conduct.

- 3.3 The Standards Board for England have advised that questions in the Annual Return will change each year in line with the development of the standards framework. The information collected will be used to enhance the work of the Standards Committee, champion its work and ensure the Standards Board has an effective overview of the local standards frameworks. In particular, the Board will collect “good practice” examples of Standards Committees work which can then be disseminated. Also, it will identify any gaps at a local level and identify the strengths and weaknesses of local standards frameworks. This will inform the Boards strategic overview to produce guidance for policy changes in respect of emerging national trends. The information will also be shared with the Audit Commission to enable the Commission to complete organisational assessments. In particular, the assessment of local authorities under the Use of Resources, Keylines of Enquiry for the new Comprehensive Area Assessment.
- 3.4 Completion of this year’s Annual Return has highlighted the need to strengthen the role of the Standards Committee in promoting wider standards of governance in the Council. The Annual Return requests information about the publication and circulation of the Standards Committee Annual Report (Section 2). A wider circulation of the report may be useful to all Members and the Committee is asked to advise on proposals for circulation.
- 3.5 It is also recommended the Standards Committee review its leadership role concerning wider governance issues. The Annual Return asks for information about leadership and the Chair of the Standards Committee access to the Chief Executive, Leader of the Council or other party group leaders to discuss ethical issues. (Section 5). Also in Section 5 of the Annual Return information is requested as to whether an executive member of the Council, or senior member has been given portfolio responsibility for Standards and Ethics within the Council. This is an issue which the committee may wish to consider.
- 3.6 Information about Members/Officer relations is requested at Section 7 of the Annual Return. A review of the Authority’s Protocol on Member/Officer relations is already part of the Standards Committee work programme for 2009/10. The commencement of this work is included as a separate agenda item to this meeting.

4.0 **Future Action**

- 4.1 It is recommended that the Standards Committee identifies further work which needs to be included in its Work Plan for 09/10 as a result of the Annual Return. It is recommended the Work Plan for 09/10 includes the following items together with any other items identified by Members of the Committee:-
- (i) Review of the format and circulation of the Standards Committee Annual Report;
 - (ii) Review of the Standards Committee’s role and the role of its Independent chair to support the wider governance arrangements and promote high ethical standards across the authority to include regular meetings with the Chief Executive and Group Leaders of the Council.

- 4.2 It is recommended that a report on the Annual Return be submitted to full Council as recommended by the Standards Board for England, Executive and Group Leaders within the Council

5. **Legal Implications**

- 5.1 This report details arrangements for the Authority to comply with the ethical framework for Local Government contained in Part III of the Local Government Act 2000.

6. **Financial Implications**

- 6.1 The Council is required to provide the Monitoring Officer with sufficient resources to undertake her responsibilities. Sufficient provision is currently made in the Revenue budget but the need for resources for the additional devolved responsibilities under Local Assessment from 2009 will have to be addressed, particularly in the event of cases proceeding to investigation.

7. **Equal Opportunities Implications**

- 7.1 The Members' Code of Conduct contains specific obligations relating to equal opportunities.

8. **Environmental Implications**

- 8.1 There are no direct environmental implications arising from this report.



Friday 15 May 2009



Confidence in local democracy

Annual return

Submitted As Final

Summary

show all

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Independent overview

Does the standards committee have Terms of Reference?

Yes

What help do members receive on following the Code of Conduct?

Advice available from Member Support Services, Monitoring Officer and Deputy Monitoring Officer. Democratic Support officers and Legal staff advising at member meetings also provide support as required e.g. Member interests at Planning and Licensing Committee. Training on the Code of Conduct is offered to all members and all new members receive training on the Code following election.

Does the standards committee have a forward work plan?

Yes

If yes, who outside of the standards committee is involved in agreeing the forward work plan? Please explain below.

The Standards Committee Workplan is agreed at a joint meeting of the Audit and Standards Committee annually.

Is the standards committee given a role in reviewing amendments to the Authority's Constitution (or Standing Orders where appropriate)?

Yes

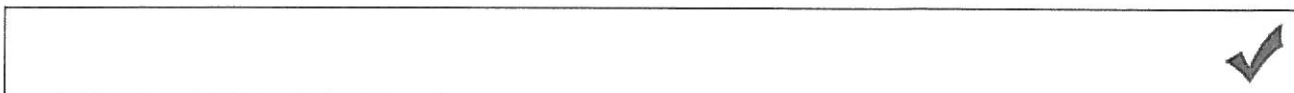
If yes, when was the last review undertaken and what was the standards committee's role in the review? Please explain below.

The annual review of the Constitution is currently being undertaken. Prior to this the Constitution was reviewed in December 2008.

Standards committee meetings.

Please use the table below to indicate how many times between 01/04/2008 and 31/03/2009 the standards committee has met and for what reasons.

Reason for meeting	Number of times met between 01/04/2008 and 31/03/2009
General meeting of whole standards committee	5
Training	2
Assessment sub-committee	2
Review sub-committee	0
Consideration meeting	0
Hearing	0
Other	1



Standards committee - annual report

Does the standards committee produce an annual report on its own work?

Yes

Is the annual report received by a meeting of the full authority?

No

Is the annual report sent to all members?

No

Is the annual report sent to all senior officers?

No

How is the annual report publicised to the general public?

The Monitoring Officers Annual Report to the Standards Committee is an open report available to the public electronically and in paper format and is contained with the reports and agenda for the Standards Committee.



Standards committee - promoting standards

What else does the standards committee do to communicate the role of the standards committee and the importance of high standards internally within the authority to members and officers?

The Committee organises training for members of the Council on ethical issues. It also organises specific events on ethical issues as required e.g. on 9 December 2008 it organised a seminar for all members of the Council to discuss and respond to the Consultation on revisions to the members code of conduct and officers code.

What else has the standards committee done to promote confidence in local democracy to the wider public?

Standards Committee Independent Members have an opportunity to sit on an Independent Members of Standards Committees in England to consolidate their own work and seek the views of other Independent Members in the field. The Chair of the Standards Committee attends the Annual Assembly and provides feedback to Committee.

Has the authority, or the standards committee in particular, considered how it will monitor and ensure high standards of behaviour when the authority is working in partnership with other organisations?

Yes

Please provide examples.

The authority is currently working on governance arrangements in relation to partnerships and the possibility of the production of a Partnership Pack to assist those working in partnerships. The results of this work will form a report which will be presented to the Standards Committee and other relevant meetings of the Council. This work links with the work of the Audit Committee.



Standards committee - training

Between 01/04/2008 and 31/03/2009, has the authority assessed the training and development needs of members in relation to their responsibilities on standards of conduct?


Yes

What training needs were identified?

Training in relation to the operation of the new Code of Conduct and the three sub-committees of the Standards Committee. Training also provided for new members.

Please provide a list of training and development opportunities that have been provided to members and officers in the period from 01/04/2008 and 31/03/2009, that are relevant to ensuring high standards. Your list should include any training that relates to the operation of the local standards framework, e.g. local assessment, hearings etc.

13 May 2008 training to new members on the code and ethical framework. 27 August 2008 training to the Assessment Sub-Committee on assessment and review of complaints. 29 September 2008 training to the standards Committee on assessment and review of complaints. 27 February 2009 training to new member of the Council on the Code of Conduct and ethical framework 5 March 2009 training to the Standards Committee on hearings.



Leadership

How often has the standards committee, or its chair, met the chief executive to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

How often has the standards committee, or its chair, met the leader of the council to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

How often has the standards committee, or its chair, met the other party group leaders to discuss ethical issues in the last 12 months (from 01/04/2008 to 31/03/2009)?

None

Please also provide an overview of what the meetings were about.

Does the standards committee, or its chair, have regular access to the monitoring officer? How regular?

Yes. The Chair meets with the Monitoring Officer prior to each meeting of the Standards Committee. The Chair also has access to the Monitoring Officer and Deputy Monitoring Officer whenever it is required as do all of the members of the Committee.

How many times in the last 12 months (from 01/04/2008 to 31/03/2009) has the standards committee chair been invited to address a full authority meeting?

Four

Does the monitoring officer sit on the Corporate Management Team, or equivalent?

No

If no, please describe in what ways, if any, the monitoring officer has access to the Corporate Management Team.

The Monitoring Officer receives a copy of CMT agenda reports when they are sent to CMT members and attends when necessary.

Has an executive member (or senior member where appropriate) been given portfolio responsibility for standards?

No



Complaints

Can the public access information, from the authority website, about how to make a complaint against a member?

Yes

What else has the authority done to advertise the complaint process on member conduct to the general public?

Newspaper advertisement.

Has the authority sought feedback from any of those people involved in an allegation of member misconduct about their satisfaction with the member conduct complaint process (for example the complainant, witnesses or person against whom

the allegation was made)? Please choose from responses below.

No, have not sought feedback

How does the authority communicate the outcome of investigations into member conduct to:

a) members

The Authority has not had a case referred for investigation in the period. In the event of the outcome of an investigation being communicated to members, this would be included in the Monitoring Officer's Report which is included on the agenda for each Standards Committee.

b) officers

Monitoring Officer's report to Standards Committee.

c) the general public

Monitoring Officer's Report to Standards Committee.

How does the authority communicate the outcome of allegations into member conduct which have NOT resulted in an investigation (for example those allegations which have not been referred for investigation and those allegations which have resulted in other action) to:

a) members

Monitoring Officer's Report to Standards Committee.

b) officers

Monitoring Officer's Report to Standards Committee.

c) the general public

Monitoring Officer's Report to Standards committee.



Member officer relations

Does the authority have a protocol for relations between members and officers?

Yes

How is the protocol communicated to officers and members?

The Protocol forms part of the Council's Constitution which is available to all officers and members.

What is the mechanism for reviewing the effectiveness of this protocol?

the Terms of Reference to the Standards Committee in the Constitution includes a specific delegation for the Committee to review the Protocol. A review of the Protocol also forms part of the Standards Committee's workplan.

Does the authority include training on the importance of high standards of behaviour in the inductions of new members and officers?

Yes

Does the authority have informal mechanisms for dealing with member/officer and member/member disputes?

Yes

Please provide details of any mechanisms and, if possible, provide an example where this has been used.

Availability of the Monitoring Officer and Deputy monitoring Officer to answer member queries. In the event of a complaint being made against a member by another member of the Council a referral to the group leader to ascertain whether the

complaint can be dealt with informally. where a complaint is considered by an officer against a councillor, discussion between senior officers and Monitoring or Deputy Monitoring Officer as to future action e.g. training for member.



Registering member interests

Is the member register of interests accessible to the public on the authority website?

Yes

Is the register of gifts and hospitality available to the public on the authority website?

Yes

What does the authority do to signal to members the importance of declaring interests and completing the register of interests and the register of gifts and hospitality?

Each member receives a letter at the start of the municipal year advising them of their responsibilities to register interests and keep the register up to date. This issue is also dealt with via training.



Officer conduct

Does the authority have a code of conduct for senior officers?

Yes

Does the authority compile a register of senior officers' interests?

Yes

If yes, is the register of senior officers' interests available to the public on the authority website?


No.

Does the authority compile a register of senior officers' gifts and hospitality?

Yes

If yes, is the senior officers' register of gifts and hospitality available to the public on the authority website?

No



Optional questions

The following questions are optional; you do not have to complete them if you do not wish to. However, this information would be useful to us in helping us to raise ethical standards.

On what issues, if any, would you appreciate more support or guidance on from the Standards Board for England?

The Standards Board for England, the Improvement and Development Agency and the Audit Commission have developed a toolkit that authorities can use to assess the ethical governance arrangements in their authority, and also to identify

improvements.

Has your authority used the ethical governance toolkit?

No

If no, has your authority considered using the ethical governance toolkit?

Yes

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