

MINUTES OF: THE JOINT MEETING OF THE STANDARDS COMMITTEE

Date of Meeting: 24th February 2009

PRESENT:

Audit Committee Members:
Councillor P. Steen (Chairman for Audit matters) (substitute for S. Pawson)
Councillors Dickinson, Lynskey and Haworth
Ms H Massie, Co-Opted Member

Standards Committee Members:
Mr A Neville, Independent Member (Chairman for Standards Matters)
Councillors Morris, H. Steen and Sandiford
Mr A Nixon, Independent Member

Members on both Committees:
Councillors A. Barnes and J. Pilling

IN ATTENDANCE: **Linda Fisher, Executive Director – Business (Monitoring Officer)**
Phil Seddon, Head of Finance
Heather Moore, Committee and Member Services Manager
Andrew Fox, Principal Auditor, Lancashire Audit Service
Zaheer Abbas, Senior Auditor, Lancashire Audit Service
Tony Hough, Audit Manager, Audit Commission
Clive Portman, District Auditor, Audit Commission

ALSO PRESENT: 1 member of the public

AUDIT COMMITTEE ITEMS OF BUSINESS

1. APPOINTMENT OF CHAIRMAN

It was resolved that Councillor Peter Steen Chair the Audit Committee items of business.

2. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor S. Pawson (Councillor P. Steen substituting)

3. URGENT ITEMS

The Chairman reported that there were no urgent items of business.

4. DECLARATIONS OF INTEREST

Councillors Morris, Sandiford and H. Steen declared a personal and prejudicial interest in the Audit Committee items of business as they are Members of Overview and Scrutiny and had previously been advised that Audit should be independent of the scrutiny function and scrutiny members should not serve on Audit.

5. MINUTES OF PREVIOUS MEETINGS

Resolved:

That the Minutes of the Meeting held on 4th December 2008 be agreed as a correct record.

6. CHAIRMAN'S UPDATE

There were no items to report.

7. PUBLIC QUESTION TIME

One question was submitted in relation to disposal of assets to which the Head of Finance responded.

8. INTERNAL AUDIT MONITORING REPORT

Andrew Fox, Lancashire Audit Service presented the internal audit progress report for the period ending 31 January 2009.

He provided an overview of the key issues and themes during the period as detailed below:-

- Improved recording of Housing Benefit Appeals as performance was currently being understated
- Business continuity planning and testing of plans
- Treasury Management
- Progress of internal audit work plan
- A detailed follow up exercise of the client side management arrangements for the Leisure Trust, including progress of previous recommendations
- Procurement – contractors list

The Executive Director – Business reported that following the major incident, business continuity plans had been tested and updated. A Managers Forum and Members' Session were scheduled to be held.

In considering the report Members discussed the following:

- Response to the major incident. Members indicated that they had been kept informed during the incident and robust measures were in place
- The focus of the leisure audit and timescales for reporting back to Audit

Resolved:

That the report be noted.

9. DATA QUALITY REPORT

Tony Hough, Audit Manager presented the findings of the Audit Commission's work on data quality for 2007/08.

He outlined the approach to the review and summarised the key findings of the report as detailed below:

- Arrangements for data quality continue to improve and was consistently above minimum requirements
- Re-organisation and the need to ensure there was adequate capacity to maintain and continue to improve performance management arrangements
- Investment in Covalent performance management system
- Spot check finding of Housing Benefit Performance Indicators found that they were correctly stated

The Executive Director – Business reported that a Performance Officer was in post and improved reporting arrangements to the Performance Overview and Scrutiny Committee was now in place.

Resolved:

That the report be noted.

10. 2008 USE OF RESOURCES REPORT

Tony Hough, Audit Manager presented the findings of the 2007/08 Use of Resources assessment.

He reported that the assessment was made up of five themes and judgements were made against each theme. The overall assessment remained at level 2 demonstrating adequate performance, however, level 3 performance had been demonstrated for financial management.

Resolved:

That the report be noted.

11. 2009 USE OF RESOURCES PRESENTATION

Clive Portman, District Auditor presented an overview of the forthcoming Use of Resources assessment.

It was noted that the review process would look at the effectiveness of the Audit Committee. Andrew Fox indicated that a self assessment would be undertaken and reported to the next meeting. The Executive Director – Business reported that a work programme was being developed for the Committee. The Committee was having a positive impact by providing effective challenge, for example, in relation to the Probity in Planning report and also influencing the work of other Committees by referring recommendations to them for

consideration.

Clive Portman reported that the new Use of Resources would form a rounded judgement against the Key Lines of Enquiry and would focus on outcomes.

Members discussed a number of points in relation to the assessment as summarised below:

- Value for Money Assessment
- Timescales for inspection
- The new assessment focus would give a realistic position of where the Council was
- Links with Audit and Scrutiny and concerns regarding the CIPFA guidance which states that Audit should be separate from the scrutiny function. Members considered that the challenge role of both Committees was similar and there was a need to ensure no duplication

N.B. The Chairman of the Standards Committee took the Chair for the following items of business

STANDARDS COMMITTEE ITEMS OF BUSINESS

12. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillor Cheetham (Councillor P. Steen substituting); Councillor Aldred and Mr B. Divine, Independent Member.

13. URGENT ITEMS

The Chairman reported that there were no urgent items of business.

14. DECLARATIONS OF INTEREST

No declarations were made.

15. MINUTES OF THE PREVIOUS MEETING

Resolved:

That the Minutes of the Meeting held on 9th December 2008 be agreed as a correct record.

16. CHAIRMAN'S UPDATE

No items were reported.

17. REVIEW OF CODE OF CORPORATE GOVERNANCE

The Committee considered the report of the Executive Director – Business which sets out the draft review of the Local Code of Corporate Governance.

In considering the report Members discussed the following:

- That it would be useful to add a column stating outcomes and how the action had made a difference and also a column on timescales for any proposed work
- To develop an action plan to assess progress and that this be monitored jointly with Overview and Scrutiny.

Resolved:

1. That Full Council be recommended to approve the Local Code of Corporate Governance.
2. That Member's receive a report on the compliance with the Local Code of Corporate Governance annually and that a mid-year review be undertaken jointly with Overview and Scrutiny.

18. PILOT FOR PROPOSED JOINT WORKING WITH OTHER COUNCILS

The Committee considered the report of the Executive Director – Business which outlined proposals to pilot joint working with other Councils in relation to handling complaints through the Standards Committee. The Cabinet had asked the Standards Committee to consider the proposal and make a recommendation to Full Council.

The Executive Director - Business provided information on the requirements of the Standards Board in relation to the role and make-up of Standards Committees. She reported that there was a statutory requirement that 25% of the membership of the Standards Committee must be independent members.

She further reported on practicalities in terms of the make-up of Assessment and Review Sub-Committees and there may be a requirement to appoint an additional Town Councillor to the Committee. She highlighted that she was seeking views on the principle of the proposal and the Standards Board would have to issue guidance and regulations in relation to any joint working arrangements.

In considering the report Members discussed the following:-

- Terminology used by the Standards Board, for example, the term Independent Member
- Recruitment of Independent Members in other Authorities
- Public perception of joint working
- Possibility of Lancashire-wide arrangements
- Further clarity required from the Standards Board on the logistics
- An option to increase the membership of the existing Committee to provide additional capacity
- The need to explore all options
- The need to review the time taken to deal with complaints
- Financial implications of any options to ensure that they are cost effective
- Accountability

Resolved:

That Full Council be recommended to seek a more detailed report on the following matters, to be further considered by the Standards Committee:-

- To obtain from the Standards Board the logistics of the proposal and how it would work in practical terms including details of accountability
- To ask the Standards Board to provide clarification of their definition of Independent Members
- To ascertain the arrangements in respect of the recruitment of an Independent Members in other authorities
- Information on how the Town Council would link in with the arrangement
- Explore the option of additional capacity of the Committee by appointing more members
- Financial implications of all options to be investigated

19. PROMOTING STANDARDS – COMMUNICATION STRATEGY AND ACTION PLAN

The Committee considered the report of the Executive Director – Business which detailed a proposed Strategy for promoting the Committee’s message of being “Serious About Standards” to raise the profile of standards.

In considering the report, Members discussed the following:

- That timescales be added to the implementation plan

Resolved:

That the Communication Strategy and Action Plan be agreed.

20. PUBLICATION OF THE REGISTER OF MEMBERS’ INTERESTS ON THE COUNCIL’S WEBSITE

The Committee considered the report of the Executive Director – Business outlining proposals to publish the register of Member’s interests on the Council’s website.

The Executive Director – Business reported that the Audit Commission recommended this as best practice and the register was a public document.

A Member indicated that in respect of 3.1 of the report it would be more appropriate for the word maintain rather than adopt be used.

Resolved:

1. That the Standards Committee recommends to Full Council that the Register of Members’ Interests be made available to the public by publication on the Council’s website except for particular entries relating to matters where publication on the Council’s website might reasonably place the safety of the member concerned or his/her family at risk. Where a member feels that a particular entry presents such a risk, an application should be made to the Monitoring Officer for consideration and confirmation that the entry could be withheld from website publication.

2. That if Full Council supports the placing of information on the website it requests that members who do not wish to take part to write to the Monitoring Officer within 7 days of the Full Council meeting.

21. STANDARDS AND ETHICS HANDBOOK

The Committee considered proposals to introduce a handbook on Standards and Ethics for Elected Members.

In considering the report the Committee discussed the following:

- That the Use of Council Facilities Policy be included in the handbook
- That the booklet would be particularly useful for new Members

Resolved:

That the contents of the handbook as outlined in the report and discussed at the meeting be agreed and that it be circulated to all Members.

22. AMENDMENTS TO THE CONSTITUTION

The Committee considered the report of the Executive Director – Business which outlined proposed amendments to the Constitution.

In considering the report the Committee put forward further amendments in relation to the Call-In Procedure for delegated planning applications.

Resolved:

That the Council adopts the revised Constitution together with the further following amendments in relation to the Call-In Procedure for Delegated Applications (as set out on page 7 of the report):

- That paragraph 1 to include Independent Members.
- That paragraphs 3 and 5 be deleted together with any reference to nominated Call-In Councillors.
- That paragraph 6 be amended from 6 to 3.
- That paragraph 8 be amended as follows:
“Call-Ins will be date stamped on receipt. They must be emailed or sent in writing to the Planning Manager”.

23. REVIEW OF HEARINGS PROCEDURES

The Committee considered the report of the Executive Director – Business which set out an updated procedure for Hearings together with the introduction of a procedure for cases referred for investigation by the Monitoring Officer. The Executive Director – Business confirmed that the model procedures issued by the Standards Board had been used.

In considering the report a Member raised a point about consistent terminology throughout the procedure.

Resolved:

1. That the Committee recommends to the Governance Working Group and Full Council that the Consideration Pre-Hearing and Hearings procedure as set out in Appendix 1 to this report is adopted and the Constitution amended accordingly.
2. That the Committee recommends to the Governance Working Group and Full Council that the procedure for cases referred for investigation by the Monitoring Officer as set out in Appendix 2 to this report is adopted and the Constitution amended accordingly.

24. STANDARDS COMMITTEE ANNUAL REPORT

The Chairman presented the Annual Report of the Committee. He informed Members that it would be presented to the March meeting of Full Council.

25. OUTCOME OF STANDARDS BOARD PANEL HEARING

A copy of the Standards Board Panel Hearing was circulated to the Committee for information.

The Committee discussed general matters regarding hearings and appeals against decisions.

Resolved:

That the outcome be noted.

26. STANDARDS BULLETIN

A copy of the latest Standards Board Bulletin was circulated for the consideration of the Committee.

A Member took the opportunity to congratulate the Committee on the short-listing for the LGC Award.

Resolved:

That the bulletin be noted.

(The meeting commenced at 6.30pm and concluded at 9.00pm)