

**NOTES OF THE MEETING OF THE STANDARDS COMMITTEE
HELD AT FOLLATON HOUSE, TOTNES ON FRIDAY 26 MARCH 2004**

MEMBERS

* Mr I Stolliday - Chairman

* Cllr G Date
* Cllr P J Prudden

* Dr L Durnham
ø Mr N Williams
* Mr M Winterton

* Denotes attendance

ø Denotes apology for absence

S.11/03 MINUTES

The minutes of the meeting of the Committee held on 3 December 2004 were confirmed as a correct record and signed by the Chairman.

S.12/03 DECLARATIONS OF INTEREST

Members were invited to declare any interests in the items of business to be considered during the course of the meeting but none was declared.

S.13/03 REVIEW OF THE LOCAL CODE OF CORPORATE GOVERNANCE FOR SOUTH HAMS DISTRICT COUNCIL

Consideration was given to a report which informed the Committee of the results of the annual testing and monitoring for 2003/2004 required by the Council's Local Code of Corporate Governance.

In the report, particular reference was made to:-

(a) the production of the Local Code, which was based on the CIPFA/SOLACE document 'Corporate Governance in Local Government' and subsequent publications. Three fundamental principles of corporate governance were identified as set out below:-

- openness
- integrity, and
- accountability

Of these three principles, the Council had sought to enhance that of 'openness' to emphasise the need to engage with its communities on an inclusive basis;

- (b) the adoption of a Local Code of Governance for South Hams District Council on behalf of the Council by the Executive on 4 December 2003, and to reflect the principles identified in (a) above;
- (c) the responsibility of the Section 151 Officer, Monitoring Officer and the Internal Audit Manager as a group of individuals to consider the extent to which the Council complies with the principles and elements of corporate governance;
- (d) the procedures for testing and monitoring compliance with the Local Code, which involved formal assessment of each dimension of the Code and review by Members;
- (e) the role of Scrutiny and the Standards Committee in receiving reports on the results of the reviews, in addition to the results external publication within the statement of accounts in an appropriate format to be decided by the Section 151 Officer;
- (f) the detailed results of the testing as set out in Appendices A to E of the report before the Committee, which demonstrated evidence of the Council's compliance with good practice in relation to the five dimensions set out below:-
 - Community Focus
 - Service Delivery Arrangements
 - Structures and Processes
 - Risk Management and Internal Control
 - Standards of Conduct;
- (g) the areas that had been noted for improvement, which were:-
 - Confirmation in the Annual Report that the Council complied with the relevant standards and codes for corporate governance and the effectiveness of the system for risk management and internal control; and
 - The adoption of a protocol on councillor/officer relations to supplement the existing Members' Code of Conduct.

In discussion, the following comments were made:-

- (i) that, in the absence of the promised guidance from government on devising a protocol on officer/Member relations, the Standards Committee might wish to consider developing its own, based on examples of good practice drawn from other local authorities. Members of the Committee agreed that this would provide a positive way forward, although it was felt that a better term to apply would be 'Officers' Code of Conduct' and that it should be evident how it related to current documents/policies on employee behaviour etc;
- (ii) the view that, whilst the Local Code of Governance provided a very encouraging framework within which monitoring could be undertaken, it was necessary to ensure that the framework was effective and the results to emerge, meaningful. In this respect, Members welcomed the advice that the results would be subject to a year on year analysis and supported the proposal that an annual review of the policy documents of which the Local Code was comprised should be undertaken to assess their effectiveness.

RESOLVED

That the findings as detailed in the report before the Standards Committee be noted and the action plan approved.

SC.14/03

CONSULTATION ON SECTION 66 OF THE LOCAL GOVERNMENT ACT 2000

The Committee gave preliminary consideration to copies of consultation documents issued by the Office of the Deputy Prime Minister on proposals for Regulations and guidance relating to the arrangements by which local authority monitoring officers may investigate allegations of misconduct by Members referred to them by ethical standards officers.

It was noted that a draft response was to be prepared for consideration by the Committee at its next meeting and that the purpose of presenting the documents to the Members at this stage was to flag the issues involved prior to finalising a response. The response had to be submitted by 18 May 2004.

In discussion, Members asked for some provisional comments to be taken into account during preparation of the draft response. These included the following:-

- (a) concerns about the apparent inconsistencies in the confidential status of the monitoring officers' reports. It was felt that greater clarity was required in the guidance;

- (b) the risk of encouraging vexatious complainants and the possibility of creating an inherent yo-yo effect as complaints bounce between the Standards Board and the monitoring officer in the absence of the monitoring officer being given discretion to discontinue spurious complaints;
- (c) the view that the monitoring officer must be able to delegate the investigation into complaints;
- (d) the need for the Committee to consider quality standards it wished to see apply to assess its performance in dealing with complaints.

RESOLVED

That, subject to the preliminary comments of the Standards Committee recorded above and pending consideration of a draft response at the Committee's next meeting, the consultation documents produced by the Office of the Deputy Prime Minister be noted.

(Meeting commenced at 10.00 am and concluded at 11.30 am).

Chairman